

IN THE SENATE OF THE UNITED STATES.

JUNE 3, 1872.—Ordered to be printed.

Mr. LOGAN, from the Committee on Privileges and Elections, submitted the following

REPORT:

The Committee on Privileges and Elections, to whom was referred a certified copy of the report of the joint committee of investigation, appointed by the Kansas legislature of 1872, to investigate all charges of bribery and corruption connected with the senatorial elections of 1867 and 1871, met on the 20th of April, 1872, and directed the clerk of said committee to prepare an abstract of the evidence furnished by the said report of the legislature of Kansas. On the 23d of April your committee met and adjourned over until the 24th, when, on account of sickness in the family of Senator Thurman, the case was postponed until he should return from a visit home.

On May the 11th your committee met and adopted the following resolution:

Resolved, That the chairman of the committee do ask the Senate for leave to send for persons and papers in reference to the elections of both 1867 and 1871, and that the committee have leave to sit in the vacation, and to take testimony by either the whole committee or a sub-committee, at Washington or elsewhere; that, in asking for authority as aforesaid, the chairman be requested to state that the committee express no opinion upon the subject.

On the same day the Senate, in response to the request of the committee, adopted the following resolution:

IN THE SENATE OF THE UNITED STATES,
May 11, 1872.

Resolved, That the Committee on Privileges and Elections be authorized to investigate the election of Senator S. C. Pomeroy, by the legislature of Kansas, in 1867, and the election of Senator Alexander Caldwell in 1871; that the committee have power to send for persons and papers; that the chairman, or acting chairman, of said committee, or any sub-committee thereof, have power to administer oaths; and that the committee be authorized to sit in Washington, or elsewhere, during the session of Congress and in vacation.

Attest:

GEO. C. GORHAM,
Secretary.
By W. J. McDONALD,
Chief Clerk.

On the 13th of May your committee met, and, in accordance with the authority conferred upon them by the resolution of the Senate, directed all witnesses, in reference to the charges against S. C. Pomeroy, Senator from the State of Kansas, to be summoned to appear forthwith and testify in reference to said charges, and also the clerk of the committee was directed to make inquiry who is the present custodian of the books

and papers of the late Perry Fuller, of Washington, D. C., and, if such information can be had, that the party having possession of his account-books, check-books, and bank-books, for the time between December 1, 1866, and February 1, 1867, be summoned to appear with them.

On motion, the committee adjourned subject to the call of the chairman.

On the 21st day of May your committee were called together for the purpose of proceeding with the examination, a portion of the witnesses having arrived.

Senator Caldwell, of Kansas; appeared and urged an early examination and disposition of the question in reference to his election in 1871. Your committee, however, considering the time too short during the sitting of Congress to thoroughly investigate both senatorial elections, concluded to proceed only with the investigation of the election of Mr. Pomeroy in 1867, leaving the case of Mr. Caldwell to be examined during the vacation of Congress, or at such time as may be agreed upon by your committee.

The examination of the witnesses in the case of Mr. Pomeroy was then proceeded with, and continued from day to day until the case was closed.

Your committee respectfully submit all the testimony, and report as follows:

1. That it appears from the evidence that two United States Senators were elected by the Kansas legislature in 1867, Mr. S. C. Pomeroy for a full term of six years, and Mr. Ross for an unexpired term of four years from the 4th day of March, 1867; that the candidacy of Mr. Pomeroy was generally understood by the people of Kansas during the election of members of the legislature who were to elect Senators for the State of Kansas, and that the election of Mr. Pomeroy as one of those Senators was generally conceded; that all candidates against Mr. Pomeroy, for the long term, withdrew from the contest, save Mr. A. L. Lee. Mr. Pomeroy, in joint convention of the two houses of the legislature, received eighty-four votes; Mr. Lee received twenty-five votes; the disparity of votes being so great as to preclude of itself the idea that the election of Mr. Pomeroy, against the will of the constituents of those who voted for him, was procured by corrupt means.
2. There is no evidence that Mr. Pomeroy, or any one for him, used any money or other valuable thing to influence any vote in his favor, or in any manner to bring about his election, *except hearsay*, and this is plainly contradicted by the direct testimony of the parties, either to whom or by whom it is alleged such considerations were given.
3. The evidence that Mr. Pomeroy's canvass for Senator cost him considerable money is clearly shown to be the expenses paid by him, for himself and friends, during the senatorial canvass, for hotel accommodations, disconnected entirely with the vote of any member, either for or against him.
4. The evidence shows that some of the friends of Mr. Pomeroy have been appointed to office under the Government of the United States, but fails to show that they were appointed in consideration of any vote or any influence used by them in procuring the election of Mr. Pomeroy; and your committee beg leave to say that they can find no fault with Mr. Pomeroy, or any one else, (when they recommend for appointment to office,) that they recommend their friends instead of their enemies.
5. It appears from the evidence that Mr. Pomeroy engaged, for a compensation to be made, the services of the Lawrence State Journal to advance the interests of the republican candidates and of the republi-

can party in the State of Kansas in the year 1866; but it also appears that said Journal broke its engagement, and supported the conservative or democratic ticket.

Your committee, therefore, after maturely considering the testimony adduced before them, are clearly of the opinion that the charges of bribery and corruption against S. C. Pomeroy, connected with his senatorial election by the Kansas legislature in 1867, totally fail to be sustained by any competent proof, but seem to have been urged for some purpose, unknown to your committee, beyond that of correcting existing evils. Your committee, therefore, beg to be discharged from the further consideration of the same.

O. P. MORTON,
B. F. RICE,
JOHN A. LOGAN,
H. B. ANTHONY,
MATT. H. CARPENTER.

Committee.

We concur with the other members of the committee in the finding that there is not evidence before us sufficient to show that Mr. Pomeroy's election was procured by the use of corrupt means; and having no definite, reliable information leading to the conclusion that further investigation would develop such evidence, we concur in the recommendation that the committee be discharged from the further consideration of the subject. Here we think that our duty ends. We do not think it proper to impugn the motives of those who urged this investigation. The subject was brought to the notice of the Senate by the general assembly of Kansas, and, as it seems to us, a proper respect for that body precludes an imputation of improper motives.

We cannot, therefore, concur in the last paragraph of the report, and there are other passages that do not meet our approval. For these reasons we have preferred to state our views in our own language.

A. G. THURMAN.
JOSHUA HILL.

A P P E N D I X .

JOURNAL OF THE PROCEEDINGS OF THE COMMITTEE ON PRIVILEGES AND ELECTIONS OF THE SENATE OF THE UNITED STATES IN THE INVESTIGATION OF THE SENATORIAL ELECTIONS IN KANSAS IN 1867 AND 1871.

On Wednesday, the 8th day of April, 1872, the Senate of the United States referred to the Committee on Privileges and Elections a certified copy of the "Report of the Joint Committee of Investigation, appointed by the Kansas legislature of 1872, to investigate all charges of bribery and corruption connected with the senatorial elections of 1867 and 1871; also, report of special committee of the Kansas senate of 1872, appointed to investigate certain charges against Hon. Jairus Wood, senator from Doniphan County;" accompanied by a certified copy of a joint resolution of the Kansas legislature, directing a copy of said report to be placed in the hands of the governor of Kansas, with the request that he forward it to the Vice-President of the United States, asking him to lay it before the Senate of the United States for their information; and, also, a letter of transmittal from the governor of Kansas.

WASHINGTON, D. C., *Saturday April 20, 1872.*

The committee met upon the call of the chairman.

Present, the chairman, (Mr. Morton,) Messrs. Rice, Carpenter, Logan, Hill, Thurman, and Anthony.

The chairman read to the committee the report of the joint committee of the Kansas legislature, (exclusive of the testimony.)

On motion, the clerk of the committee was directed to prepare an abstract of the testimony contained in the printed volume attached to the report of the joint committee, separating that in relation to the election of Mr. Pomeroy from that in relation to the election of Mr. Caldwell.

On motion, the further consideration of this subject was postponed until Tuesday, April 23, 1872.

WASHINGTON, *Tuesday, April 23, 1872.*

The committee met pursuant to adjournment.

Present, the chairman, (Mr. Morton,) Mr. Rice, Mr. Carpenter, Mr. Logan, Mr. Hill, Mr. Thurman, and Mr. Anthony.

Mr. Pomeroy appeared and asked that he might be heard before his case was finally considered. His request was agreed to.

Mr. Pomeroy stated that he desired his case considered by itself, and separate from any other, and that a report be made by the committee upon it at the earliest time possible.

The further consideration of this case was, on motion, postponed until to-morrow.

On motion, the committee adjourned to meet to-morrow at 10 a. m.

WASHINGTON, *Wednesday, April 24, 1872.*

The committee met pursuant to adjournment.

Present, the chairman, (Mr. Morton,) Messrs. Rice, Carpenter, Logan, Hill, Thurman, and Anthony.

The clerk read to the committee an abstract of the testimony relating to the election of Mr. Pomeroy contained in the volume referred to the committee.

Mr. Thurman having stated that he was suddenly called home by the illness of his son; that he would probably be absent ten days or two weeks, and that he desired to be present when this subject was considered, on motion of the chairman, it was postponed until his (Mr. Thurman's) return.

WASHINGTON, *Saturday, May 11, 1872.*

The committee met on the call of the chairman.

Present, the chairman, (Mr. Morton,) Messrs. Rice, Carpenter, Logan, Hill, Thurman, and Anthony.

On motion of Mr. Thurman, it was

Resolved, That the chairman of the committee do ask the Senate for leave to send for persons and papers in reference to the elections of both 1867 and 1871, and that the committee have leave to sit in the vacation, and to take testimony by either the whole committee or a sub-committee, at Washington or elsewhere; that in asking for authority as aforesaid, the chairman be requested to state that the committee expresses no opinion upon the subject.

On motion, the committee adjourned to Monday.

WASHINGTON, Monday, May 13, 1872.

The committee met pursuant to adjournment.

Present, the chairman, (Mr. Morton,) Messrs. Rice, Logan, Hill, Thurman, and Anthony. Absent, Mr. Carpenter.

The chairman laid before the committee the following resolution of the Senate :

" IN THE SENATE OF THE UNITED STATES,
" May 11, 1872.

"Resolved, That the Committee on Privileges and Elections be authorized to investigate the election of Senator S. C. Pomeroy, by the legislature of Kansas, in 1867; and the election of Senator Alexander Caldwell, in 1871; that the committee have power to send for persons and papers; that the chairman, or acting chairman, of said committee, or any sub-committee thereof, have power to administer oaths; and that the committee be authorized to sit in Washington, or elsewhere, during the session of Congress, and in vacation.

" Attest :

" GEO. C. GORHAM,
" Secretary.
" By W. J. McDONALD,
" Chief Clerk."

On motion of Mr. Logan, it was ordered: That the witnesses relating to charges against S. C. Pomeroy in the senatorial election of 1867, as shown by the volume of evidence before the committee, (George A. Reynolds, Joshua Wheeler, I. S. Kalloch, William Spriggs, D. R. Anthony, and Edward Russell,) be summoned by telegraph to appear before this committee forthwith; also, Edmund G. Ross and Thomas Carney; that the clerk of the committee notify S. C. Pomeroy thereof, and, if he desires witnesses summoned, that they be also summoned at the same time and in the same manner.

On motion of the chairman, the clerk of the committee was directed to make inquiry who is the present custodian of the books and papers of the late Perry Fuller, of Washington, D. C., and, if such information can be had, that the party having possession of his account-books, check-books, and bank-books for the time between December 1, 1866, and February 1, 1867, be summoned to appear with them.

On motion, the committee adjourned subject to the call of the chairman.

WASHINGTON, D. C., Tuesday, May 21, 1872.

The committee met, upon the call of the chairman, at 9 a. m.

Present, the chairman, (Mr. Morton,) Messrs. Logan, Hill, Thurman, and Anthony.

On motion of the chairman,

Mr. Logan, Mr. Carpenter, and Mr. Thurman were appointed a sub-committee to take the testimony of witnesses in this investigation.

Mr. Caldwell appeared, and stated that he was desirous of an early investigation and disposition of his case.

Mr. Pomeroy appeared.

The following witnesses were examined: Edward Russell, D. R. Anthony, and George T. Anthony.

The committee adjourned to meet upon the call of the chairman.

WASHINGTON, D. C., Thursday, May 23, 1872.

The committee met upon the call of the chairman.

Present, the chairman, (Mr. Morton,) Messrs. Logan, Hill, Thurman, and Anthony. Absent, Mr. Carpenter.

On motion, it was

Ordered, That the examination of the witnesses in regard to the election of Senator Alexander Caldwell in 1871 be deferred until the sub-committee can visit Kansas for that purpose.

Messrs. Morton, Hill, and Thurman retired.

The following witnesses were examined by the sub-committee in regard to the Kansas senatorial election of 1867, Mr. Pomeroy being present, viz: Joshua Wheeler, William Spriggs, Albert H. Horton, John D. Wells, and James B. Abbott.

The committee adjourned to meet upon the call of the chairman.

WASHINGTON, D. C., *Saturday, May 25, 1872.*

The sub-committee met upon the call of the chairman, (Mr. Logan,) to hear testimony.

Present, the chairman of the sub-committee, (Mr. Logan,) and Mr. Anthony. Mr. Pomeroy was also present.

The following witnesses were examined: Thomas Carney and William A. Phillips.

The sub-committee adjourned to meet on the call of the chairman.

WASHINGTON D. C., *Monday, May 27, 1872.*

The sub-committee met upon the call of the chairman, (Mr. Logan.)

Present, the chairman, (Mr. Logan,) and Mr. Anthony. Mr. Pomeroy was also present.

The following witnesses were examined: Hon. Edmund G. Ross and I. S. Kalloch.

The sub-committee adjourned.

WASHINGTON, D. C., *Tuesday, May 28, 1872.*

Present, the chairman of the sub-committee, (Mr. Logan,) and Mr. Anthony. Mr. Pomeroy was also present.

The following witnesses were examined: Charles W. Nelson, Daniel S. Finn, W. F. Downs, Sidney Clarke, and S. C. Pomeroy.

The sub-committee adjourned.

WASHINGTON, D. C., *Wednesday, May 29, 1872.*

The committee met pursuant to the call of the chairman.

Present, the chairman, (Mr. Morton,) Mr. Logan, Mr. Hill, and Mr. Anthony.

On motion of the chairman, the chairman of the sub-committee, Mr. Logan, was requested to prepare a report upon the evidence taken concerning the election of S. C. Pomeroy in 1867.

The chairman, Mr. Hill, and Mr. Anthony withdrew.

The following witnesses were examined: John A. Martin and Jacob Stotler.

WASHINGTON, D. C., *Tuesday, May 21, 1872.*

EDWARD RUSSELL sworn and examined.

By Mr. LOGAN:

Question. Give your name, age, residence, and occupation.—Answer. Edward Russell; thirty-nine years; Leavenworth City, Kansas; conveyancer.

By Mr. THURMAN:

Q. How long have you resided in Kansas?—A. Fifteen or sixteen years; I forget which. I went there in 1856.

Q. What part of Kansas have you resided in?—A. I resided first in Doniphan County for several years. Since then in Leavenworth City.

Q. Are you acquainted with Senator Pomeroy?—A. I am.

Q. How long have you known him?—A. About fourteen years.

Q. On what terms have you been with him?—A. Friendly, for aught that I know. Politically, we have not always just jibed.

Q. Did you ever have any conversation with him in relation to his election in 1867?—A. I had, with reference to the senatorial; not with reference to his own.

Q. Who were elected at that election?—A. S. C. Pomeroy and E. G. Ross.

Q. Who were the opposing candidates?—A. Thomas Carney was one, A. L. Lee was another, J. S. Kalloch was another. Those were the principal ones. I have forgotten them now.

Q. Were they all of the same political party?—A. Yes, sir.

Q. Were the candidates elected who were nominated in caucus?—A. No, sir; it is my recollection that there was not any caucus held.

Q. Was Senator Pomeroy elected on the first or second ballot, or were there more votes than one?—A. My recollection is that they voted first in separate session, at which there was no election, and they then came into joint session, and at the first vote in joint session he was elected.

Q. Who was voted for against Senator Pomeroy?—A. A. L. Lee, if I recollect correctly.

Q. Who was voted for against Mr. Ross?—A. Thomas Carney.

Q. Did I understand you to say that you had a conversation with Senator Pomeroy in relation to that election?—A. I had.

Q. Where was it?—A. In his rooms at the hotel.

Q. In what place?—A. In Topeka.

Q. That is the seat of Government, where the election was held?—A. Yes, sir.

Q. When was that conversation?—A. I had several conversations with him concerning the matter, and they were held prior to the joint convention—a part of them prior to any votes being cast, I believe, at all.

Q. Now begin and state those conversations, beginning with the first and going straight on in your own language, distinguishing one conversation from another. What was the first conversation? Where was it?—A. Perhaps, to make it clearer and show on what side I was, I will state that I was myself personally a supporter of A. L. Lee, doing what I could to secure his election. I went first to Senator Pomeroy to see whether I could make any arrangement with him by which I could secure the election of Mr. Lee. What passed I don't remember; I only know that my attempts were futile, and before the election was held it was a self-evident proposition that Senator Pomeroy would be elected. That was conceded by all before we went into joint convention. In the course of a conversation with him on one occasion—what exactly passed I don't remember; I did not impress my mind with it at all; having been in other things since I have not thought about it, only one remark I think of about that, and that was this: he said, "I have expended a fortune to defeat Thomas Carney."

Q. "I have expended a fortune?"—A. Yes, sir. Now whether that was just before, or just exactly what time it was, I don't remember.

Q. Just before what?—A. I think that was the night preceding the joint convention, but I am not positive.

Q. At what place in Topeka was that?—A. At the hotel where he had his rooms.

Q. Was it in his room?—A. Yes, sir.

Q. Were any other persons than you and he present?—A. Not in that room. I don't remember whether any one was in the adjoining one or not. Perry Fuller may have been in the adjoining room, but I am not sure that he was.

Q. Did he show you anything at that time as evidence that he had expended a fortune?—A. He did not.

Q. Did he have a check-book there?—A. There was a book lying on the table, perhaps as far off as that stand—six or eight feet.

Q. What about it?—A. I judged from its general appearance that it was a check-book. I could not say that it was.

Q. Did he make any observations about it?—A. No; he simply, as he spoke, pointed at that.

Q. Pointed at that check-book?—A. Yes, sir.

Q. Did you see Perry Fuller there?—A. I did.

Q. At what hotel did Mr. Pomeroy have his quarters; what was the name of the hotel?—A. I believe it was the Capitol House.

Q. At what hotel did Perry Fuller have his headquarters?—A. I don't know, but suppose he was in the same building.

Q. For whom was Perry Fuller at work? For anybody?—A. E. G. Ross.

Q. Was he favorable or unfavorable to the election of Mr. Pomeroy?—A. I never heard him say whether he was or not.

Q. Do you know of any consultations between him and Pomeroy?—A. I only saw him in Mr. Pomeroy's room on several occasions when I was in there. Further than that I do not know about it.

Q. You do not know what was the connection between them?—A. Well, neither of them ever told me that there was any connection between them.

Q. State generally what Perry Fuller was doing there.—A. He was doing all he could to elect E. G. Ross.

Q. You say it was admitted on all hands that Pomeroy would be elected?—A. Yes, sir; it was.

Q. How long did that contest continue before the election; how long before the election did the parties and their friends come on the ground?—A. They came on the ground as soon as the legislature met, which was, I think, some two weeks preceding.

Q. Was Perry Fuller there from the first?—A. Yes, sir.

Q. From the first was there any doubt as to Pomeroy's election?—A. I thought there was in the outset.

Q. You thought there was?—A. He was the leading candidate from the outset.

Q. Who was thought most likely to beat him if he were beaten at all?—A. There were so many contingencies upon which that would be based, it would be almost impossible to answer. The two leading candidates against him were Carney and Lee.

Q. Do you know of Mr. Pomeroy expending any money in that contest?—A. I do not.

Q. Do you know of his using any improper means to secure his nomination and election?—A. No, sir.

Q. You say there was no nomination?—A. No caucus nomination of the party at all.

Q. It went right through the legislature?—A. Yes, sir; a scrub race.

Q. You have no personal knowledge of his expending any money in it at all?—A. No, sir.

Q. Nor any other valuable thing?—A. No, sir.

Q. Do you know of any promise of office or anything of the kind?—A. I do not.

By Mr. LOGAN :

Q. Did Mr. Carney receive any votes at all when Mr. Pomeroy was elected?—A. I do not remember; but my recollection is that he did not. If he did it was a scattering vote.

Q. [Submitting "Senate journal of the legislative assembly of the State of Kansas, begun and held at Topeka, on Tuesday, January 8, 1867, published by authority."] Is that the journal of the senate, and do pages 168 to 173 show the record of that election?—A. Yes, sir.

Mr. LOGAN. In connection with the evidence of this witness, I think it is proper that the record of this election in the senate journal of the legislature of Kansas should go upon our record. [The extract from the document referred to will be found at the end of the testimony of this witness.]

By the CHAIRMAN, (Mr. MORTON :) :

Q. If I understand you, Lee was the candidate against Pomeroy, and Carney against Ross?—A. Yes, sir; upon the final vote.

Mr. LOGAN. The record shows that on the final vote Honorable S. C. Pomeroy received eighty-four votes and Honorable A. L. Lee received twenty-five votes.

By Mr. THURMAN :

Q. Mr. Russell, do you know of any friend of Mr. Pomeroy expending any money or other valuable thing in that election?—A. No, sir; I do not.

By Mr. POMEROY :

Q. There is only one thing to which I would like to call the attention of Mr. Russell. In this report of the investigating committee of the Kansas legislature I find that a question was asked you in regard to this same conversation of which you speak now, and you say, "It was in the night; about midnight." You were asked then, "Was Carney a candidate against Pomeroy?" You answer, "He was."—A. They have mixed up that testimony a little.

Mr. POMEROY. I thought it was a mere slip of the tongue.

The WITNESS. It is not published exactly as the testimony was read to me after I gave it, and just how they have changed it I do not know.

Q. The testimony here is not just as you gave it.—A. No, sir; I think not. I think there is a little variance. Of course at the time of that conversation with you, I know that Carney was not a candidate against you. I know that was a fact at that time.

Q. I see that you are here made to say that he was.—A. He was not.

Q. They asked you if you saw "Perry Fuller with Pomeroy," and you said your impression was "that they occupied rooms together or adjoining." Is that your present recollection?—A. Yes, sir.

By Mr. THURMAN :

Q. You were asked, "Do you know anything about Perry Fuller's connection with the senatorial election of 1867?" If so, state all you know in that regard; what you saw him do.—A. I know he was in very frequent conversation with Senator Pomeroy. My

impression is that they occupied rooms together, or adjacent to each other, and in going into Pomeroy's room both day and night, at almost all hours, I found Perry Fuller there, and in consultation with Senator Pomeroy. On one or two occasions I saw him take what, from its general appearance, seemed to be a check-book, and deliver it to some one in my presence and the presence of Senator Pomeroy. Q. When, with reference to the election of Senators Pomeroy and Ross, were those consultations and this check drawn?—A. Before the election of either of them." What have you to say on that subject now? Is that correct?—A. That is substantially correct. I saw them there together. I never heard any part of their conversations, and so I don't know what passed between them. As I said before, I was not a supporter of Senator Pomeroy, and consequently I was not in his room a great deal; but I was there sometimes, and I met him (Fuller) there frequently. I was there in the day-time and night-time and I was there at various hours of the night. My recollection of the rooms, without being there sufficiently to fix it positively, is that I talked with Senator Pomeroy there, and that he had two rooms there; that those were his rooms; and I saw Perry Fuller pass from one room to the other; and I have an indistinct recollection of seeing Perry Fuller going to bed on a lounge in one of the rooms, and from that I inferred that they were rooming together. But I have been told by parties who were better informed about it that I was mistaken about that. I have been told so by parties whose opportunities were better than mine for knowing.

Q. What about the check-book that you spoke of in this testimony?—A. I saw Perry Fuller take a check-book—not the same one; at least, I do not remember that particularly—I saw Perry Fuller take a check-book and write in it what seemed to be a check and tear it out and hand it to a party or parties.

Q. To whom?—A. I do not remember.

Q. Was it a member of the legislature or not?—A. That I can't say. I should be inclined to think it was not a member of the legislature.

Q. Was that done in Mr. Pomeroy's presence?—A. Yes, sir.

Q. Was Perry Fuller a man doing a large business?—A. He was supposed to be.

Q. What was his business?—A. At that time he was running a store—I think a wholesale store—at Lawrence. He was dealing; he perhaps had a store down in the Indian country; I do not know about that, but he was supposed to be a man dealing in Indian contracts.

Q. Was he an Indian trader—a licensed Indian trader?—A. No, sir. I do not think he was; not so far as I know; but he was a man bidding on Indian contracts.

Q. Contracts to supply the Indians with goods and merchandise?—A. Yes, sir; at least that was the general reputation.

Q. Was he a man of wealth?—A. He was, at that time, supposed to be a wealthy man.

Q. How long had he been engaged in the Indian trade prior to 1867?—A. I think ever since about 1860. Of my knowledge, my positive knowledge, I do not know of his having been in the Indian trade longer than since 1863.

Q. Where did Perry Fuller come from when he moved to Kansas?—A. I do not know.

Q. Do you know any person who could give any information on the subject of this investigation?—A. I do not know of anybody other than what you have already summoned.

Q. Do you know or think of anything more material to this investigation? If so, state it.—A. I do not.

[The testimony having been read over to the witness, he adds:] By saying in reference to the check-book that I saw Perry Fuller write in, "not the same one," I mean not the same one referred to in the former portion of my testimony.

The following is the extract from "Senate Journal of the Legislative Assembly of the State of Kansas, begun and held at Topeka on Monday, January 8, A. D. 1867; published by authority, Leavenworth, Kansas. Clarke, Emery & Co., printers to the State: 1867," pp. 168-174, submitted by Mr. Logan in the examination of Edward Russell:

JOINT CONVENTION FOR THE ELECTION OF UNITED STATES SENATORS.

HALL OF THE HOUSE OF REPRESENTATIVES,
Topeka, January 23, 1867, 12 o'clock m.

Pursuant to the provisions of the act of Congress in reference to the election of United States Senators, approved July 25, 1866, the members of the two houses of the legislature met in joint convention for the election of United States Senators, in the hall of the house of representatives, at 12 m., on Wednesday, January 23, 1867,

Lieutenant Governor Green in the chair.

The roll of the senate was called by the secretary of the senate.

The following senators were present and answered to their names:

Messrs. Abbott, Blakely, Clarke, Cooper, Dodge, Emmert, Fisher, Foster, Graham,

Green, Haas, Harvey, Lowe, Maxon, McFarland, Price, Riggs, Rogers, Scott, Sharp, Simpson, Underhill, Veale, Wiley, Wood ;

Being a quorum of the senate.

The roll of the house of representatives was called by the chief clerk.

The following members were present and answered to their names :

Messrs. Allen, Barker, Booth, George W. Bowman, William Bowman, Brandley, Bryant, Butts, Clark, Cloyce, Collins, Columbia, Connor, Crocker, Draper, Dugan, Estep, Evans, Faulkner, Finn, Flickinger, Gates, J. K. Goodin, J. R. Goodin, Gregory, Hamby, Hannon, Hannum, Harmon, Harper, Hindman, Hollenberg, Huffman, Jaquith, E. J. Jenkins, R. W. Jenkins, Jewett, A. Johnson, F. M. Johnson, Kendall, L. Kennedy, T. H. Kennedy, Kibbe, Killen, Killen, Knight, Lane, Lecompte, Lindsay, Loomis, Luce, Lyon, Manlove, May, McIntosh, Miller, Mobley, Moore, Oliver, Palmer, C. E. Parker, W. R. Parker, Power, Przybylowicz, Robb, Rogers, Rupe, Sheldon, Spencer, Spillman, Sponable, Stover, C. H. Thompson, G. W. Thompson, Throckmorton, Travis, Tucker, Turner, Updegraff, Venard, Way, Wells, Willis, Wilson, Mr. Speaker ;

Being a quorum of the house.

Representative J. R. Goodin offered the following resolution :

Resolved, That all persons be excluded from this hall except members and officers of the legislature, ladies, State officers, and reporters for the press.

The yeas and nays were had, and were as follows : Yeas, 77 ; nays, 30.

Senators voting in the affirmative were : Messrs. Abbott, Blakely, Cooper, Emmert, Fisher Foster, Haas, Maxon, Price, Riggs, Rogers, Scott, Sharp, Simpson, Underhill.

Representatives voting in the affirmative were : Messrs. Allen, Barker, George W. Bowman, William Bowman, Brandley, Cloyce, Collins, Columbia, Connor, Crocker, Draper, Dugan, Estep, Evans, Finn, Flickinger, Gates, J. R. Goodin, Gregory, Hamby, Hannum, Harmon, Harper, Hindman, Huffman, Jaquith, E. J. Jenkins, A. Johnson, F. M. Johnson, Kendall, L. Kennedy, T. H. Kennedy, Killen, Knight, Lane, Lecompte, Lindsay, Lyon, Manlove, May, Miller, Moore, Palmer, C. E. Parker, W. R. Parker, Power, Przybylowicz, Robb, Rogers, Sheldon, Spencer, Spillman, C. H. Thompson, G. W. Thompson, Throckmorton, Travis, Turner, Updegraff, Way, Willis, Wilson, Mr. Speaker.

Senators voting in the negative were : Messrs. Clarke, Dodge, Graham, Green, Harvey, Lowe, McFarland, Veale, Wiley, Wood.

Representatives voting in the negative were : Messrs. Booth, Bryant, Butts, Clark, Faulkner, J. K. Goodin, Hannon, Hollenberg, R. W. Jenkins, Jewitt, Kibbe, Loomis, Luce, McIntosh, Mobley, Rupe, Sponable, Stover, Tucker, Venard, Wells.

And so the resolution was adopted.

The journal of the senate of yesterday in reference to the election of United States Senators was read by the secretary of the senate.

The journal of the house of representatives of yesterday in reference to the election of United States Senators was read by the chief clerk of the house.

It appearing from the journals of the two houses that no person received a majority of the votes of each house of the legislature for United States Senator on yesterday, the chairman announced that the election of Senators was now in order.

Senator Emmert offered the following resolution :

Resolved, That the joint convention do now proceed to the election of two United States Senators in the following order, to wit : first, for the long term, beginning on the 4th of March next, and immediately thereafter to fill the vacancy occasioned by the death of Hon. J. H. Lane ;

And the question being on the adoption of the resolution,

The yeas and nays were had, and were as follows : Yeas, 108 ; nays, 1.

Senators voting in the affirmative were : Messrs. Abbott, Blakely, Clarke, Cooper, Dodge, Emmert, Fisher, Foster, Graham, Green, Haas, Harvey, Lowe, Maxon, McFarland, Price, Riggs, Rogers, Scott, Sharp, Simpson, Underhill, Veale, Wiley, Wood.

Representatives voting in the affirmative were : Messrs. Allen, Barker, Booth, George W. Bowman, William Bowman, Bradley, Bryant, Butts, Clark, Cloyce, Collins, Columbia, Conner, Crocker, Draper, Dugan, Estep, Evans, Faulkner, Finn, Flickinger, Gates, J. K. Goodin, J. R. Goodin, Gregory, Hamby, Hannon, Harmon, Harper, Hindman, Hollenberg, Huffman, Jaquith, E. J. Jenkins, R. W. Jenkins, Jewitt, A. Johnson, F. M. Johnson, Kendall, L. Kennedy, T. H. Kennedy, Kibbe, Killen, Lane, Lecompte, Lindsay, Loomis, Luce, Lyon, Manlove, May, McIntosh, Miller, Mobley, Moore, Oliver, Palmer, C. E. Parker, W. R. Parker, Power, Przybylowicz, Robb, Rogers, Rupe, Sheldon, Spencer, Spillman, Sponable, Stover, C. H. Thompson, G. W. Thompson, Throckmorton, Travis, Tucker, Turner, Updegraff, Venard, Way, Wells, Willis, Wilson, Mr. Speaker.

Representative Knight voted in the negative.

And so the resolution was adopted.

Senator Emmert nominated Hon. S. C. Pomeroy for United States Senator for the term of six years, commencing March 4, 1867.

Representative E. J. Jenkins nominated Hon. A. L. Lee.

Senator Wood nominated Hon. D. R. Anthony.

The roll was called, with the following result:

Hon. S. C. Pomeroy received 84 votes.

Hon. A. L. Lee received 25 votes.

Senators voting for Hon. S. C. Pomeroy were: Messrs. Abbott, Cooper, Dodge, Emmert, Fisher, Green, Lowe, Maxson, Price, Riggs, Rogers, Scott, Sharp, Simpson, Underhill, Veale, Wiley, Wood.

Representatives voting for Hon. S. C. Pomeroy were: Messrs. Allen, Barker, Booth, George W. Bowman, William Bowman, Bryant, Butts, Clark, Cloyce, Columbia, Crocker, Draper, Dugan, Estep, Faulkner, Finn, Gates, J. K. Goodin, J. R. Goodin, Gregory, Hamby, Hannon, Hannum, Harmon, Harper, Hindman, Huffman, Jaquith, R. W. Jenkins, A. Johnson, F. M. Johnson, Kendall, L. Kennedy, T. H. Kennedy, Kibbe, Killen, Knight, Lane, Lecompte, Lindsay, Loomis, Luce, Lyon, Manlove, May, Miller, Moore, Oliver, Power, Przybylowicz, Robb, Rogers, Rupe, Sheldon, Spencer, Sponable, C. H. Thompson, G. W. Thompson, Throckmorton, Travis, Tucker, Updegraff, Venard, Way, Wells, Wilson.

Senators voting for Hon. A. L. Lee were: Messrs. Blakely, Clarke, Foster, Graham, Haas, Harvey, McFarland.

Representatives voting for Hon. A. L. Lee were: Messrs. Brandley, Collins, Connor, Evans, Flickinger, Hollenberg, E. J. Jenkins, McIntosh, Mobley, C. E. Parker, W. R. Parker, Robb, Spillman, Stover, Turner, Willis, Mr. Speaker.

And Hon. S. C. Pomeroy, having received a majority of all the votes cast, was declared duly elected United States Senator for the term of six years, commencing March 4, 1867.

Senator Green nominated Hon. E. G. Ross for United States Senator to fill the vacancy occasioned by the death of Hon. James H. Lane.

Representative Allen nominated Hon. Thomas Carney.

The roll was called, with the following result:

Hon. E. G. Ross received 68 votes.

Hon. Thomas Carney received 40 votes.

Hon. Samuel A. Riggs received 1 vote.

Senators voting for Hon. E. G. Ross were: Messrs. Abbott, Blakely, Dodge, Emmert, Fisher, Graham, Green, Harvey, Lowe, Maxson, Price, Riggs, Scott, Sharp, Simpson, Underhill, Veale.

Representatives voting for Hon. E. G. Ross were: Messrs. Booth, Geo. W. Bowman, Wm. Bowman, Brandley, Bryant, Clark, Cloyce, Columbia, Conner, Crocker, Draper, Estep, Finn, Gates, J. K. Goodin, Gregory, Hamby, Hannum, Harmon, Hindman, Huffman, Jaquith, R. W. Jenkins, A. Johnson, Kendall, T. H. Kennedy, Kibbe, Killen, Lane, Lindsay, Luce, Lyon, Manlove, May, McIntosh, Miller, Mobley, Palmer, C. E. Parker, W. R. Parker, Rupe, Spencer, Stover, G. W. Thompson, Throckmorton, Tucker, Updegraff, Way, Willis, Wilson, Mr. Speaker.

Senators voting for Hon. Thomas Carney were: Messrs. Clarke, Cooper, Foster, Haas, McFarland, Rogers, Wiley, Wood.

Representatives voting for Hon. Thomas Carney were: Messrs. Allen, Barker, Butts, Collins, Dugan, Evans, Faulkner, Flickinger, J. R. Goodin, Hannon, Harper, Hollenberg, E. J. Jenkins, Jewitt, F. M. Johnson, L. Kennedy, Knight, Lecompte, Loomis, Moore, Oliver, Power, Przybylowicz, Robb, Rogers, Sheldon, Spillman, C. H. Thompson, Travis, Turner, Venard, Wells.

Representative Sponable voted for Hon. Samuel A. Riggs.

And Hon. E. G. Ross having received a majority of all the votes cast, was declared duly elected United States Senator to fill the vacancy occasioned by the death of Hon. James H. Lane.

Senator Emmert moved that the joint convention adjourn.

Which motion prevailed and the joint convention adjourned.

WASHINGTON, D. C., *Tuesday, May 21, 1872.*

D. R. ANTHONY sworn and examined.

By Mr. THURMAN:

Question. What is your age, residence and occupation?—Answer. Age forty-seven; residence, Leavenworth, Kansas; editor.

Q. How long have you resided in Kansas?—A. Fourteen years.

Q. Where have you resided during that time?—A. Leavenworth.

Q. Were you at Topeka at any time during the senatorial canvass of 1867?—A. I was.

Q. About what time were you there?—A. In the month of January.

Q. How long before the election did you go there?—A. I think, one or two weeks.

Q. Were you a candidate for the Senate at that election?—A. I was not.

Q. Were you working for anybody?—A. I think I favored the election of Mr. Pomeroy, and I think Mr. Ross. I can state it more properly by saying I was for Mr. Pomeroy, and anybody to beat Mr. Carney.

Q. Do you know of any money or other valuable thing being used in that election by either of the candidates?—A. I do not of my own personal knowledge. The only money I knew of was what was told me by Perry Fuller, of checks that he had paid for Mr. Ross's election.

Q. Did you have any conversation with Senator Pomeroy at or about the time of that election in regard to the use of money?—A. I did.

Q. What was it?—A. I can only state my recollection of the substance of that conversation. I had many conversations with him.

Mr. THURMAN. Well, sir, state that.

The WITNESS. Do you desire me to state everything that I can recollect?

Mr. THURMAN. Yes; all your conversations with Mr. Pomeroy in regard to that election.

A. The most important part of the conversation as applying directly to this matter was that Mr. Carney was there with money; that—

Q. Who said that?—A. That was the talk with Mr. Pomeroy and myself and all—that he was using money in the election; that he was not identified with the party as a party man; not a believer in its principles, or an advocate of its principles; and that men who voted for him would be charged with voting because they were paid for it; that Mr. Pomeroy had the advantage of Mr. Carney in this, that he was believed to be of the party and with the party, and that the people naturally supported him, and did support him.

Q. That he was believed to be with the party?—A. Yes, sir; Mr. Pomeroy was; that it was costing Mr. Carney a great deal of money; that it was not costing him near as much, although it cost him some money. That is about the substance of the conversation as it would affect the question of bribery and corruption. I heard of men that were bought at that time, but I have not now the recollection of a single man or name. Indeed, the names—

Q. By whom was it said that these members were bribed—by which side?—A. It was said that money was used on all sides, but very little money was used by Mr. Pomeroy; that quite a good deal was used by Mr. Ross—Mr. Ross's agent, Mr. Perry Fuller. He told me he had paid eleven or twelve thousand dollars, and he showed me his check-book. He told me the names of those he had paid it to. He showed me the stub-book by which he paid it out.

Q. Did he show you any he paid out for electing Mr. Pomeroy?—A. No, sir; he was using his money principally for Mr. Ross.

Q. Did Mr. Pomeroy speak to you about using money?—A. Yes, sir; he did. He said it cost him a good deal.

Q. Did he say how it cost him—what use he had made of the money?—A. My recollection now of what he stated is that it was his hotel bills that cost him the most—some thousands of dollars.

Q. That his hotel bill had cost him some thousands of dollars?—A. Yes, sir; a large amount; his hotel bill was the principal item. I never inquired or asked whether they were buying men, or who were bought.

Q. Did he explain how his hotel bill came to cost him so much money?—A. I think he said he was paying the bills of his friends who were there at the hotel.

Q. He did not treat any, did he?—A. I guess he did. I always thought the Senator played the dodge on that; he got John Martin to furnish the whisky, and I always supposed that he paid the bills, although I could not swear to that; it was done quietly at one side.

By Mr. POMEROY:

Q. Mr. Anthony does not mean to say that any was drunk in my presence?—A. O, no. I could swear that I was invited by Colonel Martin several times, and very good liquors they were.

By Mr. THURMAN:

Q. What was the political complexion of that legislature—how many republicans and how many democrats?—A. It is a mere question of memory. I think twenty or twenty-five democrats out of about one hundred members of both branches.

Q. For whom did the democrats vote in the election when Mr. Pomeroy was elected?—A. Some of them voted for him.

Q. And some for Carney?—A. Yes; for Lee, and some for Carney; Carney, Lee, and Ross, I think.

By Mr. LOGAN:

Q. That was in Mr. Ross's election; but in Mr. Pomeroy's election the journal seems

to show that there were only votes for Lee and Pomeroy?—A. O, yes; that was on the first ballot—on the ballot for the long term.

By Mr. THURMAN:

Q. Was Lee a republican also?—A. Yes, sir.

Q. They were both republicans; there was no democratic candidate?—A. None.

Q. Were there a good many friends of Pomeroy there?—A. Yes, sir; a large number of his friends.

Q. Can you state the names of any of them?—A. I ought to know five hundred of them, but you ask me and I cannot name them. The man that I recollect most by seeing him about the room was George Anthony; there was John A. Martin and Judge Horton.

Q. As between Lee and Pomeroy, who did Perry Fuller favor?—A. He favored Pomeroy, I should say. That is only an impression, however.

Q. What was Perry Fuller's business?—A. Government contractor.

Q. For what?—A. Indian contracts.

Q. For supplies to the Indians?—A. Yes, sir.

Q. Treaty goods?—A. Yes, sir.

Q. How long had he been engaged in that business before this election in 1867?—A. Six, eight, or ten years.

Q. In what part of Kansas did he live?—A. I think at that time he lived in Washington.

Q. Where is that?—A. It is here—this city.

Q. He did not live in Kansas?—A. I think not. He has lived in Ottawa and in the Indian country.

Q. He did not claim to be a citizen of Kansas?—A. He did live in Lawrence for a while: I do not know but he lived in Lawrence then.

Q. Where did Mr. Pomeroy then live?—A. At Atchison.

Q. Do you know of Mr. Pomeroy using any money or other valuable thing to secure his election to the Senate, or to obtain votes?—A. I do not.

Q. Do you know of any person who, as a friend of his, or who was in communication with him, using any money or other valuable thing to get votes for him?—A. I do not.

Q. Is there any matter that occurs to yourself connected with that election that is material to this inquiry? If there is, state anything that you have not already stated.—A. I could not state anything, except my belief; that would not be evidence, I understand.

Q. You can state the facts upon which you found your belief.—A. The memory of that whole thing has gone from me to a great extent; so much so, that I could not state to-day the names of five members of that legislature, and probably I knew three-fourths of them.

Q. At what time was that legislature elected?—A. Elected in the November preceding that January.

Q. November, 1866?—A. Yes, sir.

Q. Before the election of that legislature, was it understood that Mr. Pomeroy would be a candidate for the Senate?—A. It was.

Q. Was that discussed among the people before the election of that legislature as to Mr. Pomeroy's chance to be elected?—A. The belief was that he would be elected.

Q. Do you know of the use of money or any valuable thing, or promise of office or contracts by Mr. Pomeroy, or any confidential or intimate friend of his, before the election of members of the legislature, to influence the election of members?—A. Well, as I said before, the memory has faded out and gone. I cannot say that I can remember it.

Q. Do you know of the use of money or other valuable thing, or promise of office or contracts after the election of members, and before the assembling of the legislature?—A. I do not.

Q. Who were the leading members of the legislature favoring the election of Mr. Pomeroy?—A. Well, sir, I cannot name a man now. If I think a moment I may; our own members—the members from our own county.

Q. Think a moment, and name any leading and influential members in favor of Pomeroy's election.

Mr. POMEROY. If you will give him a list of the names he can tell.

The WITNESS. If you will give me a list of the names I can tell you very quickly.

Mr. LOGAN. The senate journal shows that the senators present were Messrs. Abbott, Blakely, Clarke, Cooper, Dodge, Emmert, Fisher, Foster, Graham, Green, Haas, Harvey, Lowe, Maxson, McFarland, Price, Riggs, Rogers, Scott, Sharp, Simpson, Underhill, Veale, Wiley, Wood.

The WITNESS. The majority of them favored Mr. Pomeroy: twelve or thirteen, I think. Is not McFarland among that list of senators?

Mr. LOGAN. Yes, sir.

The WITNESS. McFarland was a democrat.

Mr. LOGAN. He voted for Lee, not for Pomeroy.

The WITNESS. I recollect that he did not. He agreed to vote for Mr. Pomeroy. He was the only man I talked with.

Mr. LOGAN. Blakely, Clarke, Foster, Graham, Haas, Harvey, and McFarland voted for Lee.—A. Yes, sir.

By Mr. THURMAN :

Q. Do you remember any in the house of representatives who were active for him ?

Mr. LOGAN. I will read the list of members of the house voting for Mr. Pomeroy: Allen, Barber, Booth, George W. Bowman, William Bowman, Bryant, Buits, Clark, Cloyce, Columbia, Crocker, Draper, Dugan, Estep, Faulkner, Finn, Gates, J. K. Goodin, J. R. Goodin, Gregory, Hamby, Hannon, Hannuns, Harmon, Harper, Hindman, Huffman, Jacquith, R. W. Jenkins, A. Johnson, F. M. Johnson, Kendall, L. Kennedy, T. H. Kennedy, Kibbey, Ki'len, Knight, Lane, Lecompte, Lindsay, Loomis, Luce, Lyon, Manlove, May, Miller, Moore, Oliver, Palmer, Power, Przybylowicz, Robb, Rogers, Rupe, Sheldon, Spencer, Sponable, C. H. Thompson, G. W. Thompson, Throckmorton, Travis, Tucker, Updegraff, Venard, Way, Wells, Wilson.

By Mr. THURMAN :

Q. Do you recollect now any of those members of the House of Representatives as having been active for Pomeroy ?—A. O, yes ; a large number of them ; prominent men there.

Q. As active for him ?—A. Yes, sir ; Manlove, Columbia, and those men.

Q. Do you know whether any members of the house or senate who voted for Mr. Pomeroy were afterward appointed to office under the Federal Government ?—A. I recollect one there, a Mr. Palmer, who was made afterward or was then an Indian agent for the Pottawatomies.

Q. Did he vote for Mr. Pomeroy ?—A. Yes, sir.

Q. You do not know whether his appointment was before or after the vote for Mr. Pomeroy ?—A. No, sir. The only man in the whole list that I recollect talking with myself was Mr. McFarland, and he voted against Pomeroy.

Q. Do you know any other who was appointed ?—A. I rather think Manlove was afterward appointed postmaster at Fort Scott. I think it was after.

Q. How long after ?—A. I do not know.

Q. On whose recommendation ?—A. I do not know. I only know he was afterward postmaster at Fort Scott.

Q. Do you think of any others ?—A. If I read them over I could tell, perhaps.

Q. Will you look over them ? [Submitting the senate journal above mentioned.]—

A. Mr. Abbott has held an office—Indian agent.

Q. When was Mr. Abbott appointed Indian agent ?—A. I cannot say. I think he was an Indian agent at that time. It occurs to me that he resigned his Indian agency after he was elected, as there was some difficulty about his being an Indian agent and in the senate at the same time. I may be mistaken about that.

Q. After the election was he re-appointed to his Indian agency ?—A. If I am correct, he was, if he was the man.

Q. How long did he hold that agency ?—A. Some time—a year or two.

Q. Is he alive now ?—A. Yes, sir, he is ; he is here in this city.

Q. Go on.—A. Mr. Emmert held an office—either register or receiver of the land-office.

Q. Before or after that election ?—A. I cannot say.

Q. Where ?—A. At Humboldt.

Q. You cannot say whether it was before or afterward ?—A. No, sir.

Q. Under the constitution of Kansas, is a United States officer eligible to be a member of the legislature ?—A. He is not.

Q. Then he was not in the land-office at that time ?—A. He was not.

Q. Was he afterward ?—A. He was afterward.

Q. About how long after that election ?—A. I cannot say.

Q. Go on to the next.—A. Mr. Lowe—my recollection is that he voted for Mr. Pomeroy. He afterward held the office of mail-agent for a few months.

Q. When did he hold that office—how long after ?—A. I cannot say ; I have no recollection of the date.

Q. Go on.—A. Mr. Maxon has held an office. I think he was in the land-office—either receiver or register.

Q. How long after the election was he appointed ?—A. I cannot tell.

Q. Go on to the next.—A. There are none of the rest of them that I recollect about ; those are all the senators. The only man that I secured for Pomeroy was John Hannon.

Q. That you secured ?—A. Yes, sir ; through my influence I got him to vote for Pomeroy. He was a democrat.

Q. He drank some of Martin's whisky?—A. I presume he did. We didn't call that Martin's whisky, we called it Pomeroy's whisky. I do not see any of these representatives that I recollect now of holding an office.

Q. Do you know whether any one of those gentlemen who were appointed to office, as you have stated, or held office, were appointed on the recommendation of Mr. Pomeroy?—A. I do not.

Q. Do you know whether any promise was made to any of them, that if they voted for Mr. Pomeroy they should be appointed to any office?—A. I do not.

Q. Do you know if any of those gentlemen who voted for Mr. Pomeroy were?—A. I would like to say I believe some of them were. I was there. I believe some of them were, but I cannot name one. I have no doubt we talked the matter over, but I cannot recollect one.

Q. Do you know of any of the gentlemen who voted for Mr. Pomeroy afterward having an Indian contract, or any Government contract?—A. I do not now recollect any.

Q. Do you recollect anything material that you have not already stated?—A. I do not.

[The foregoing testimony having been read over to the witness, he adds:] In saying I "secured" the vote of John Hannon, I merely meant that I talked with him and urged him to vote for Mr. Pomeroy. I believe he did vote for him.

WASHINGTON, D. C., May 21, 1872.

GEORGE T. ANTHONY sworn and examined:

The CHAIRMAN *pro tempore*, (Mr. Logan.) As this witness is called on behalf of Mr. Pomeroy, he will open the examination.

By Mr. POMEROY:

Question. State your residence, age, and occupation.—Answer. My residence is the city of Leavenworth, Kansas; I am the editor and publisher of the Kansas Farmer; I am forty-nine years old.

Q. Were you at Topeka during the senatorial election of 1867?—A. I was, sir.

Q. Where were you stopping?—A. I stopped at the Capitol House, sir.

Q. Where were the headquarters of Mr. Pomeroy, who was a candidate?—A. At the Capitol House.

Q. Were you in his rooms constantly, frequently, day and night—all the time?—A. Very frequently, every day.

Q. Do you know of Mr. Russell being there frequently?—A. I never saw him there.

Q. Do you know Mr. Russell?—A. I do.

Q. What is his name?—A. Ed. Russell, we call him. I do not know whether it is Edward or Edmund. He writes his name "Ed. Russell."

Q. Do you know of his being there night and day?—A. No, sir.

Q. Have you seen his testimony in that book, [report of the joint committee of the Kansas legislature?—A. Yes; I have read that testimony.

Q. Do you know of his being in my room?—A. I never saw him there.

Q. Do you know of Perry Fuller being there often?—A. I saw him in the building. I never saw him in your room.

Q. Did he occupy rooms adjacent to mine?—A. I do not suppose he occupied rooms in the building. I know he did not occupy the rooms you were occupying.

Q. Did you have any conversation yourself with Mr. Russell?—A. Never.

Q. Who was Russell supposed to favor—whose election?—A. Mr. ———, a distinguished gentleman from Mississippi—Lee.

Mr. LOGAN. Louisiana.

The WITNESS. Yes, sir; Louisiana; Mr. Lee.

By Mr. POMEROY:

Q. Was Thomas Carney a candidate against me?—A. Yes, sir; in the early part of the canvass he was.

Q. Was he a candidate against me at the time Mr. Russell mentions in his testimony—about midnight the night before the election?—A. I understood it to be conceded by all parties that he was not a candidate against you for two or three days prior to the election. It was conceded by Carney's friends and by all parties that Mr. Pomeroy would be elected for the long term on the first ballot in joint convention. The contest was understood to be between Ross and Carney for the short term.

Q. State if you know anything else material to this investigation. As you were with me nearly all the time, state whatever you choose to state in regard to this matter. I have not had any conference with you, but I will ask you to state whatever you

know that was improperly done or said in reference to this matter.—A. Well, sir, I can only state in general terms that I was editor of the Evening Bulletin, and had labored very earnestly all through the campaign for Pomeroy and against Carney. I felt a deep interest in it. In all my correspondence and communications, and my presence there at Topeka, I was not made acquainted with anything that was improper, or that tended to corruption in any way, shape, or manner.

Q. Do you know about my using whisky?—A. No, sir. I do not use it myself, and I never saw you use it.

Q. Did you know Perry Fuller?—A. Yes, sir; I knew him.

Q. Did you know of his being in my room frequently or constantly?—A. No, sir; I never saw him there.

Q. What do you know about any check-book or bank-book being in my room?—A. Well, sir, I never saw one, if you had one; I never saw any money or evidence of it there.

Q. You never saw Perry Fuller have a check-book there?—A. No, sir.

By Mr. THURMAN :

Q. When was the first senatorial election ever held in Kansas?—A. I went to Kansas myself in 1865. I am not acquainted with the politics of Kansas prior to that.

Q. This was a re-election of Mr. Pomeroy?—A. Yes, sir.

Q. Mr. Anthony, do you know of any person, who voted for Mr. Pomeroy on that occasion, being appointed to office afterward by the Federal Government?—A. I can recall no such instance; I could not say there was not.

Q. Do you know of any promises made to those gentlemen who voted for Mr. Pomeroy, that they should receive any office or Government contract—Indian contract—or anything of the kind?—A. None whatever ever came to my knowledge then or since.

Q. Was it understood, before the election of the members of the legislature, that Mr. Pomeroy would be a candidate for re-election?—A. Yes, sir.

Q. What seemed to be the feeling and sentiment of the republican party of the State of Kansas in regard to his re-election?—A. The contest was all in the party, as there was but one party substantially within the State at that time, and that is substantially true now. There was but one party in the State, and it was a contest within the party, and based largely upon local grounds. Mr. Carney lived in Leavenworth, the chief city of the State, and his claims were largely pressed on account of that, so far as our people were concerned. I was there myself and opposed his election.

Q. Did there seem to be any prevailing sentiment in favor of any one before the election of the members of the legislature?—A. Nothing more than discussions which always occur.

Q. How did the feeling run?—A. The impression was very general that Senator Pomeroy would be re-elected before the legislature was elected.

Q. After the legislature was elected, and before it assembled, what was the general impression in regard to Senator Pomeroy's re-election?—A. Parties were confident upon both sides, that he would be elected, and that Carney would be elected. The lines were very closely drawn and they had earnest supporters—confident believers in the election of each of them.

Q. They were at that time—before the assembling of the legislature—supposed to be candidates against each other for the long term?—A. Yes, sir; they were the two prominent candidates before the people of the State.

Q. And continued to be candidates against each other up to two or three days before the election?—A. Yes, sir; both were struggling for the long term.

Q. Carney never was a candidate for the short term?—A. No, sir; not until within three or four days of the election.

Q. Was he then?—A. Yes, sir; distinctly so.

Q. Did he get any vote?—A. Yes, sir; he got all of them except those for Ross. They were the only candidates at the last ballot.

Q. Was there any caucus of the republican members before going into the election?—A. Not in the sense in which we use to hold caucuses.

Q. No nomination by caucus?—A. No, sir.

Q. They just went into the legislature and voted?—A. Yes, sir; there was no party caucus; only the friends of the different candidates. There has never been a party caucus since I have been in the State.

Q. After the legislature assembled, was there any doubt as to the result of the contest between Carney and Pomeroy?—A. O, yes, sir; it was not settled when the legislature assembled which of the two would be elected. As I said, Mr. Carney remained a candidate against Pomeroy up to within two or three days before the election.

Q. Is Carney living in Kansas?—A. Yes, sir; his family is living in our city. He is in business at Saint Louis.

Q. Where did Perry Fuller then reside?—A. He was residing here, I think, sir.

Q. In Washington City?—A. Yes, sir; I think so.

Q. What was his business?—A. He was always understood by me to be a contractor—a Government contractor in the Indian business.

Q. For supplies or merchandise to fulfill Indian treaties?—A. Yes, sir.

Q. Do you know when he first obtained a contract of that kind?—A. No, sir: it was before my residence in the State.

Q. When was that?—A. In October, 1855, I went there.

Q. Do you know what influences were used to procure contracts for him?—A. I do not.

Q. Did he continue a Government contractor after the election in 1867?—A. I could not say.

Q. Was he for or against Mr. Pomeroy, as between Pomeroy and Carney?—A. It would be impossible for me to say. I never knew him to be identified with it at all. In the contest between Ross and Carney he was for Mr. Ross positively. Up to that time I do not remember what his position was.

Q. You do not remember whether he was for Pomeroy or Carney, in the contest between them?—A. I never knew him to identify himself as to the contest between individuals until I knew him identified with Mr. Ross, working for his election.

Q. As between Ross and Carney, which side did Mr. Pomeroy take?—A. It was supposed he was for Mr. Ross.

Q. Do you know of his using any money to elect Ross?—A. I do not.

Q. Do you know of any money being used by anybody in the election?—A. Not to my knowledge.

Q. Or any valuable thing?—A. No, sir.

Q. Any promises of office?—A. No, sir.

Q. Or contracts?—A. No, sir.

Q. Do you know of anything further, material to this investigation, that you have not stated?—A. I do not.

[The foregoing testimony having been read over to the witness, he adds:] The question is asked me, "Did there seem to be any prevailing sentiment in favor of any one before the election of the members of the legislature?" to which I answered, "Nothing more than discussions which always occur." I will say that there was an almost universal sentiment in favor of the re-election of Senator Pomeroy.

WASHINGTON, D. C., *Thursday, May 23, 1872.*

JOSHUA WHEELER sworn and examined:

By Mr. LOGAN:

Question. State your name and age?—Answer. Joshua Wheeler; forty-five.

Q. Residence?—A. Pardee, Atchison County, Kansas.

Q. What is your occupation?—A. Farming.

Q. Mr. Wheeler, what do you know in reference to the contest for Senator in 1867, between Mr. Pomeroy and others?—A. I was at Topeka some time.

Q. During that contest?—A. Yes, sir.

Q. What do you know in reference to any corruption, or in reference to Mr. Pomeroy procuring votes for the office of United States Senator, if anything? State just what you know.—A. I can state the fact I stated there in that report, how I learned the fact in reference to that hundred dollars.

Mr. LOGAN. State it.

The WITNESS. I can give the circumstances, as I heard them, that brought the fact to my knowledge. I will state that the first day of the ballot there was a good deal of excitement. I think it was in the afternoon that the friends of Mr. Pomeroy seemed to be somewhat disappointed as to the result of the ballot—a preliminary vote, I think it was. After the balloting was over, I was down at the Capitol Hotel, where Mr. Pomeroy's friends were staying, and they were curing and swearing about some man that had gone back on them. I learned that this man—I don't recollect of hearing his name then, but I heard since it was Wells—had a hundred dollars paid to Mr. Horton to secure his seat, with the understanding that he should vote for Mr. Pomeroy, and he had gone back on them, and either voted for Carney on the first ballot, or against them on some preliminary vote. That is how I come to know that fact.

Q. Who was this man that you say a hundred dollars was paid to?—A. I didn't know his name when I was before that committee. I have since learned that it was Mr. Wells. I don't know that the man's name was stated to me at the time. The fact was stated in that way.

Q. You say this hundred dollars was paid to him for what purpose?—A. It was

paid, I understood, to Mr. Horton, his attorney; it was a contested seat: it was paid to Mr. Horton, as his attorney, to secure his seat.

Q. Wells had a contested seat?—A. Yes, sir.

Q. And Horton was paid a hundred dollars as the attorney for Wells?—A. Yes, sir.

Q. Horton was not in the legislature?—A. No, sir.

Q. He was a mere lawyer outside?—A. Yes, sir.

Q. You understood a hundred dollars was paid by Mr. Pomeroy?—A. Yes, sir.

Q. From whom did you understand that?—A. I would not like to be positive. It was stated among the friends of Mr. Pomeroy at the hotel while this excitement occurred after the first ballot. There were twenty men in the room, maybe.

Q. Do you know whether Mr. Wells was a Pomeroy man or not?—A. I didn't know him.

Q. Did you ever talk to Mr. Wells on the subject?—A. No, sir.

Q. Are you acquainted with him now?—A. No, sir.

Q. Are you acquainted with Mr. Horton?—A. Yes, sir.

Q. Did you ever talk with him on the subject?—A. I never did, sir.

Q. Then, as I understand you, you heard a conversation between the friends of Mr. Pomeroy?—A. Yes, sir.

Q. Where it was stated that Mr. Pomeroy had given Mr. Horton, who was an attorney and not a member of the legislature, a hundred dollars?—A. Yes, sir.

Q. To defend the seat of Mr. Wells, which was being contested in the legislature?—A. Yes, sir. That was my understanding.

Q. Have you any knowledge whatever of that yourself?—A. No, sir: no more than I have stated.

Q. Mere rumor?—A. I merely heard it among these men there.

Q. You do not know Mr. Wells?—A. I do not know Mr. Wells.

Q. You know Mr. Horton?—A. Yes, sir.

Q. But never talked with him on that subject?—A. No, sir.

Q. You have no knowledge of your own on the subject?—A. No, sir.

Q. Do you know who gave you this information?—A. No, sir. I am not positive, because it was talked of among so many. It has been many years ago. It was talked of among the friends of Mr. Pomeroy. I would not dare to be positive on that point.

Q. Do you know whether there was any probability of Mr. Pomeroy being defeated in that contest?—A. Yes, sir; I understood there was.

Q. Do you know how the vote stood?—A. I don't remember. I was in the hall on the final ballot, but at the first vote they didn't allow but one or two men in to each member—each man had the right to take two friends with him—to admit two friends on the floor. I was on the floor.

Q. Do you know whether Mr. Carney received any votes for Senator against Mr. Pomeroy?—A. I have forgotten just exactly the nature of the contest. I know Mr. Carney was a candidate in opposition to Mr. Pomeroy, but my impression is that at the last Mr. Carney came up for simply the short term.

Q. I will call your attention to the journal of the senate of Kansas, and refresh your recollection. The journal shows that on that ballot for the long term there was no one voted for except Mr. Pomeroy and Mr. Lee.—A. I had some conversation with Governor Carney when I first went there. I know he was a candidate for the long term against Mr. Pomeroy, and I know Governor Carney told me the last morning before the first ballot that he was not a candidate against Mr. Pomeroy, but for the short term.

Q. The journal shows that Lee only was balloted for against Pomeroy.—A. I know he was a candidate for the long term before that. He so told me.

Q. Mr. Pomeroy seems to have received eighty-four votes against twenty-five on the final vote that decided it. Was the contest of such a character as would justify the belief that it was necessary to resort to any means other than fair ones to secure Mr. Pomeroy's election?—A. Only in the first of the contest there was. My opinion is that the opinion prevailed at the commencement that Mr. Carney's chances were just as good as Mr. Pomeroy's.

Q. If the opinion prevailed that his chances were just as good as Mr. Pomeroy's—you were there all the time—

The WITNESS. No, sir; I think I arrived at Topeka about ten days before the election. I would not be positive. I was sent for.

Q. If that was the state of things at first, what transpired that caused such a change as to give Mr. Pomeroy eighty-four votes against twenty-five, while Mr. Carney received no votes?—A. Well, sir, I don't know that I can give any reason. I don't know that I could tell what produced the change. I simply know the fact, and I have heard it stated repeatedly by men who were there, that at the outset Mr. Carney's chances were good, but Mr. Pomeroy simply out-generated him.

Q. But what was the immediate cause that brought the thing about?—A. I don't know. I have heard—but I will not state what I have heard.

Q. Is there any other fact that you know in connection with this matter?—A. No, sir: I don't know that there is.

Q. Mr. Wells, you say, did not vote for Mr. Pomeroy?—A. I will not be certain about that. It has been so long it has slipped my mind whether it was on the first ballot or on some preliminary vote that he failed.

Q. Any how, Mr. Wells did not vote, as your information was, in the way that he was to vote?—A. That is what I understood.

Q. It was on some preliminary vote?—A. I think it was on some preliminary vote.

By Mr. POMEROY:

Q. You speak of being sent for. Who sent for you?—A. I received a letter from Colonel John A. Martin, stating that you desired my presence at Topeka.

Q. In whose interest were you there?—A. I was sent for in your interest, I believe.

Q. Did anybody pay you anything there?—A. I staid at the hotel, but that didn't cost me anything. You simply paid my expenses. I rode over on horseback, and I presented a bill for my horse.

Q. Did Governor Carney pay you anything?—A. No, sir; not a cent.

Q. Have you ever read what purports to be your testimony in the report of this investigating committee of the Kansas legislature?—A. I have, sir.

Q. Are you correctly reported in that document?—A. Well, the testimony there, or the evidence in the case, of Mr. King, is not as I recollect it exactly; but in your case I think it is substantially correct.

Q. Have you ever read an affidavit taking back any of this testimony as published in this book?—A. I have made a statement to Mr. King that there was some testimony there that was not as I recollected it. I gave a statement to that effect.

Q. Did you swear to it?—A. I did.

Q. Is this your affidavit? [Submitting a document appended to the testimony of this witness.]—A. I don't know. Mr. King read that over to me. That is my signature. [Examining the document.] Yes, sir; I believe that is it.

Q. That is your affidavit or what you have sworn to, since that testimony was taken, in regard to that testimony?—A. Yes, sir. I have no recollection of the question coming there, just in the shape it did, in that first place.

Q. Was it because this book was not correctly kept, or how did the mistake occur?—A. That I can't tell. The question that I supposed was asked me was exactly the question that was put to Mr. Murphy.

Q. Why is this incorrect? Is it because you were not correctly reported, or because they did not print it right?—A. I can't tell. I have no recollection of the question coming in that shape. Mr. King took exceptions to it.

Q. As to the way you are reported here in this book, state whether you think it is the fault of the reporter or printer.—A. That I can't account for.

Q. You only know it is incorrect?—A. I have no recollection of the question being asked me in the shape it appears in that book—not the least. It was altogether a different question, as I understood it.

Q. You spoke of this Mr. Wells. Do you know how he voted?—A. I understood that he voted for you finally.

Q. Do you know of his voting against me at all?—A. I can simply state what I heard. I was not in the house. They didn't allow me in the house at the time that vote was taken.

Q. Have you generally been for Mr. Carney; were you for Mr. Carney in this election of 1871?—A. Yes, sir.

Q. I mean 1867?—A. No, sir; I was for Mr. Pomeroy then, not for Mr. Carney.

Q. In the contest between Carney and Ross, how were you?—A. My feelings would have led me to Mr. Carney, but I didn't take any part in it at all, because my object was to secure your election.

The following is the affidavit referred to in the evidence of Joshua Wheeler:

Hon. JOSHUA WHEELER, of Atchison County, Kansas, after being duly sworn, deposes and saith:

1st. That in my testimony before the joint committee of investigation I have unintentionally wronged Mr. S. C. King, of Atchison, and had I known that my testimony would appear and have the bearing that it has, I would have gone before the committee and had the same corrected.

2d. I do not know, nor did any person give me directly to understand, that S. C. King voted for Mr. Clarke, in consideration of a Federal position.

3d. I do not know, nor did any person give me to understand, that Mr. Clarke failed in his efforts to secure Mr. King a position, nor do I know nor have I heard that Mr. Clarke ever tried to get Mr. King a consulship.

4d. There was nothing in the "letter" mentioned in my testimony but a request from myself to Mr. Caldwell to aid Senator Pomeroy in his efforts to secure Mr. King a consulship.

11th. I have no knowledge of the questions as they appear in the evidence being asked by the committee.

JOSHUA WHEELER.

Sworn to and subscribed before me this 13th day of May, A. D. 1872.

B. F. HUDSON,
Justice of the Peace.

WASHINGTON, D. C., *Thursday, May 23, 1872.*

WILLIAM SPRIGGS sworn and examined.

By Mr. LOGAN :

Question. State your name, age, residence, and occupation.—Answer. Forty-six : Garnett, Kansas : farmer.

Q. Mr. Spriggs, you were sworn, I believe, before an investigating committee of the legislature of Kansas, in reference to the election, in 1867, of Mr. Pomeroy to the United States Senate ?—A. Yes, sir.

Q. Will you state what you know, if anything, in reference to improper means having been used by Mr. Pomeroy to procure his election ?—A. I know nothing at all about it personally. I was in Topeka. I don't know anything at all that Mr. Pomeroy did, of my own knowledge.

Q. You say you know nothing whatever, of your own knowledge, in connection with it ?—A. Nothing whatever. Nothing whatever.

Q. Were you there during the contest ?—A. Yes, sir.

Q. Were you in Mr. Pomeroy's room ?—A. I was not.

Q. Did you take any interest in the campaign ?—A. I took some little interest in the campaign.

Q. Who did you favor ?—A. I favored the election of Governor Carney.

Q. As against Mr. Pomeroy ?—A. We started out with that view. The contest, I believe, as I recollect it now, simmered down to between General Lee and Mr. Pomeroy ; but I was a friend of Governor Carney, and went there to assist in the election of Governor Carney to the United States Senate.

Q. How was the contest carried on ? You say you know nothing improper about it. Was it a fair contest as to who should have the most friends ?—A. So far as I know, it was.

Q. Did you see anything that was improper in the conduct of the matter at all ?—A. I did not. I did not, sir.

Q. I ask if you testified as follows before the general committee of the Kansas legislature to investigate this subject : " In 1867, the evening of the election for United States Senator, Perry Fuller told me that Pomeroy and Ross's election had cost him \$42,000 ; that he considered he had made \$58,000, for he had set apart \$100,000 for it ? "—A. Yes, sir. That's what Mr. Fuller told me in Dan Adams's bank. It was the afternoon after the election.

Q. Is that a correct report of what you said ?—A. That that you have read to me off of that paper is true. I have not read that printed book.

WASHINGTON, D. C., *Thursday, May 23, 1872.*

ALBERT H. HORTON, called by Mr. Pomeroy, sworn and examined :

By Mr. LOGAN :

Question. Please state your name, age, residence, and occupation.—Answer. My name is Albert H. Horton. I reside at Atchison, Kansas. I have resided there for ten years. My business is that of practicing attorney. I hold an official position at present.

Q. What is that ?—A. I am United States attorney for that district.

Q. Mr. Wheeler, a witness here, has testified that in 1867, during the contest between Mr. Pomeroy and others for a seat in the United States Senate, he understood or heard that Mr. Pomeroy had paid you, as attorney, a hundred dollars to aid in securing the seat of a Mr. Wells, who, in consideration for that, was to vote for Mr. Pomeroy for United States Senator. Will you state the facts in reference to the matter ?—A. The supreme court of our State meets at Topeka. I was present there in attendance on the supreme court in the winter of 1867, and, I suppose, I remained longer at the capital on account of the senatorial election in progress, there being two Senators to be elected. Mr. John D. Wells was a representative—the sitting member—from Marshall County, in our State. I had been acquainted with him a long time ; had trans-

acted legal business for him, before that time, and have since transacted legal business for him, and to-day have a suit for him in our county. His seat was contested by one John W. Bollinger, a partner of Brumbaugh, both practicing attorneys in Marysville, Marshall County, Kansas. Mr. Bollinger, being an attorney, was better acquainted with the necessary provisions or proceedings to contest the seat of Mr. Wells, who was a farmer, and had given the legal or proper notice to take depositions, so that when the legislature convened he could present that evidence and oust Mr. Wells immediately, and, as we supposed, before Mr. Wells could present his evidence. Mr. Wells and Mr. Vail, a gentleman from Marshall County, came to me and told me that Mr. Wells was in danger of having his seat taken from him without a fair opportunity to be heard. I told Mr. Vail and Mr. Wells that any friendly act I could do for him I would gladly do; that I saw Mr. Bollinger had some little advantage in having complied with the provisions of the law. With Mr. Wells I went before the committee on elections and asked the committee to give Mr. Wells ten days' time in which his evidence might be taken, and prepared a resolution to be submitted to the House of Representatives, that a commission be appointed by the speaker to go to Marshall County and take the evidence, and report within a period of ten days. I only appeared once before the committee on elections. A member of the committee on elections reported that resolution, which was passed by the house. The commissioner was sent and the evidence was taken. Mr. Wells never paid me anything for it; I never made any demand for it. Mr. Pomeroy never spoke to me about it; he had no conversation with me about compensation either being agreed upon or mentioned. It was an act of friendship toward a client, and as a man who was interested in local matters from our county. Mr. John D. Wells is here; he is a farmer. I took a little more interest in the matter because Mr. Bollinger was an attorney in his county and had, as we supposed, prepared his case to get a little advantage of Mr. Wells in the contest.

By Mr. POMEROY :

Q. Was Mr. Wells for or against me before you saw him?—A. Mr. Wells was elected to vote for Mr. Pomeroy's election, and Mr. Bollinger had been elected to vote for a gentleman named General Lee, now residing at New Orleans. Before anything was said it was the understanding and expectation that Mr. Wells would support Mr. Pomeroy out of regard for that vote in his constituency. We have a railroad running from our city right through the portion of the county where Mr. Wells resides, and that portion of the county is locally interested with us, while the northern portion of the county is connected by a railroad with Saint Joseph, and Mr. Bollinger resides in the northern portion of the county, and locally he is opposed to our interests.

Q. Did Mr. Wells vote for me?—A. I know he did vote for you.

Q. Did he vote in a way to disappoint my friends at all?—A. No, sir; he voted in accordance with the wishes of his constituents, and was afterward re-elected. Upon the contest in the election case the messenger we sent out was not able to or did not get the evidence we hoped, and the house decided the seat vacant. The candidates then went back and ran again and Wells was elected. At the next session or a subsequent session Mr. Wells was returned again.

WASHINGTON, D. C., Thursday May 23, 1872.

JOHN D. WELLS, called by Mr. Pomeroy, sworn and examined.

By Mr. LOGAN :

Question. Mr. Wells, will you state your name and age?—Answer. John D. Wells; forty-one years.

Q. Where do you reside?—A. Barrett, Marshall County, Kansas.

Q. What is your occupation?—A. Farming.

Q. Mr. Wells, it was stated by Mr. Joshua Wheeler that, in 1867, you were a member of the Kansas legislature, and there was a contest made against you for your seat; that he heard it said that Mr. Horton, an attorney, had been employed to defend you—to attend to your matter in reference to your seat; that he had received a hundred dollars, paid by Mr. Pomeroy to him, and for and in consideration of that you were to cast your vote for Mr. Pomeroy for United States Senator; will you now state to the committee whether or not these statements are correct?—A. No, there is nothing in it correct, so far as I know, at all. I was a member that year, and I think I spoke to Mr. Horton myself. My seat was contested. I was the sitting member, and I asked Mr. Horton to get a commission to take evidence; but he never charged me anything. I never paid him anything. I never spoke to him about pay.

Q. Did you consider that he did it as a mere friendly act, as a neighbor and friend?—A. Yes, sir.

Q. Who were you in favor of as United States Senator?—A. O, I was elected on the Pomeroy issue, as it was called.

Q. You were elected, it being understood that you were for Mr. Pomeroy?—A. O, yes, sir. The whole issue of the contest was between Lee and Pomeroy.

Q. You went there in favor of Pomeroy?—A. Yes, sir.

Q. In the vote you were merely carrying out the wishes of your constituents?—A. Yes, sir. The whole fight of the contest was Pomeroy and Lee; Lee supported by the Northern road and Pomeroy by the Central Branch road.

Q. I understand that vote was a free vote, according to your own desire and the wishes of your constituents, without any consideration or any expectation of fee or reward of any kind whatever?—A. Yes, sir; that's so. I would not have dared to have voted against Mr. Pomeroy.

By Mr. ANTHONY:

Q. Was there any preliminary vote before the final vote in which you voted contrary to the wishes of Mr. Pomeroy's friends, so as to give any dissatisfaction?—A. No, sir.

[Upon hearing the foregoing testimony read over, the witness adds: In saying Mr. Pomeroy was supported by the Central Branch road, I mean this: the southern portion of our county where I live are in favor of the Central Branch road, and they supposed Mr. Pomeroy could help it in some way; and Lee was in favor of the Saint Joe and Denver road, the northern road, and Mr. Bollinger and I ran on those two issues.

WASHINGTON, D. C., Thursday, May 23, 1872.

JAMES B. ABBOTT, called by Mr. Pomeroy, sworn and examined.

By Mr. LOGAN:

Question. State your name and age.—Answer. James B. Abbott; fifty-three past.

Q. Please state your residence.—A. De Soto, Atchison County, Kansas.

Q. What is your occupation?—A. Conveyancer.

By Mr. POMEROY:

Q. Were you a member of the legislature in 1867?—A. I was.

Q. Which branch?—A. A member of the senate.

Q. Were you then holding or have you since held a United States office of any kind?—A. No, sir.

Q. Have you been appointed to any office?—A. No, sir; I have not since then.

By Mr. LOGAN:

Q. Who did you vote for for United States Senator for the long term?—A. I voted for Mr. Pomeroy; for the short term I voted for Mr. Ross—the two that were elected.

By Mr. POMEROY:

Q. State anything you know in regard to that election; whether there was any doubt in regard to my election, if you choose to say.—A. I never heard that there was any doubt about it at the time. I never heard that there was any doubt raised at the time.

By Mr. LOGAN:

Q. I will ask you the general question as to your knowledge of any improper means being used by Mr. Pomeroy to secure his election in any way whatever. Do you know of any?—A. I do not.

Q. Either by means of money or other things?—A. No, sir.

WASHINGTON, D. C., Saturday, May 25, 1872.

THOMAS CARNEY sworn and examined.

By Mr. LOGAN:

Question. State your name, age, occupation, and residence.—Answer. Thomas Carney; Leavenworth, Kansas; merchant; forty-six years.

Q. Governor Carney, the Senate has referred to us the charges of corruption at the time of the election of Mr. Pomeroy, in 1867, and we are investigating that matter now. If you know anything in reference to any improper means being used in 1867 at the time of the election for Senator, by Mr. Pomeroy, for the purpose of procuring his election, you will please state them.—A. Well, I do not, Senator. I was not in a condition

to know much of Senator Pomeroy's operations at that time, as I was his opponent, and not supposed to know what he was doing. All I knew was from common rumor.

Q. Then you say you know nothing of your own knowledge in reference to any improper means to procure votes on the part of Mr. Pomeroy?—A. No, sir; I cannot call any to mind. I do not know anything of my own knowledge that I can now call to mind.

Q. You spoke of common rumor; was that what we call "rumor in the air," mere general talk, or some specific thing by a person professing to have knowledge of it?—

A. Well, it was, of course, what I heard coming second-hand. For instance, Judge Thatcher stated that Senator Pomeroy had told him his election had cost him a fortune; that it had cost him a fortune to beat me. Three or four other parties told me that the Senator had said to them it cost him a fortune to beat me, or other words to that effect.

Q. But did not specify how?—A. No, sir; did not say how; only in general terms.

WASHINGTON, D. C., *Saturday, May 25, 1872.*

WILLIAM A. PHILLIPS, called by Mr. Pomeroy, sworn and examined.

By Mr. LOGAN :

Question. State your name, residence, and occupation.—Answer. William A. Phillips; forty-five years; Salina, Kansas; attorney.

By Mr. POMEROY :

Q. I desire to call your attention to the testimony of Mr. Edward Russell, and especially to that part referring to Mr. Perry Fuller and his quarters. [The testimony of Edward Russell given before this committee was here read over to the witness, for which see page —.] Now, tell what you know about Perry Fuller coming there and where he had his quarters.—A. I do not know where he had his quarters. I was there from the beginning of the struggle. Perry Fuller was there a few days before the election. The caucusing and fighting had been going on nearly a week before he got there. I remember his coming, because they serenaded Mr. Clarke one night, and he arrived just at that time.

Q. About how many days before the election did he arrive?—A. I could not tell exactly; but two or three. But I think the heaviest part of the struggle was over before he got there, except that in regard to the election of Mr. Ross.

Q. Were you frequently at the hotel where I was?—A. Very seldom. My own name in the early part of the canvass had been used. I think I was not in your room, although I met you once or twice. My recollection is that you had nearly enough votes before the people, and was the only candidate who had. You were not elected the first day in the two houses, but on the first ballot in joint session. My impression is that Mr. Pomeroy had the largest number of votes of any candidate; that is, the largest number before the people. That was the understanding.

Q. In whose interest was Perry Fuller? Whom did he come for?—A. I do not know whom he came for. He worked for Mr. Ross. When Mr. Ross came I saw him in the governor's room, and, as he had only a few votes, I asked him whether he was a candidate. He said he was on the Micawber platform, waiting to see what would turn up.

Q. That was Ross?—A. Yes, sir. I remember he asked me about the impeachment, or said something about it, but not relevant to this matter.

Q. Were you acquainted with the majority of the members of the legislature?—A. Yes, sir; I think I knew most of them, or all of them.

Q. Was there any distinctive democratic candidate or party in the legislature?—A. All I know was, the night I had the local caucus nomination, Judge Leecompte, with, I think, eleven others, came into my room and tendered me their support, and said there were thirteen democrats in the legislature. He said I could get them all, or nearly all; that there was no democratic candidate.

Q. How many members of the legislature were there in all?—A. One hundred and nine or ten. Every new county gives a new member.

Q. As you were a candidate yourself, I would like to ask you now—I have never asked you the question—whether you know of anything improper having been done by me or my friends in that election?—A. I do not. I did not know of anything improper. I heard rumors, but not in regard to yourself; but, of course, I cannot tell hearsay. Mr. Fuller and myself were not on terms in the Army. He was a contractor.

Q. Not on terms of friendship?—A. No, sir; not at all. I scarcely ever spoke to him, but I saw him there. I saw him the night before the joint session. I went down to the room of General Lee. I had heard something about that.

Q. Do you know of his making any effort at all for me?—A. None whatever. I did not understand that he did at all.

Q. You understood him to be for whom?—A. For Mr. Ross.

By Mr. LOGAN :

Q. You speak of rumors ; were those rumors in reference to the election of Mr. Pomeroy or Mr. Ross ?—A. At that time the rumors seemed to be with regard to Mr. Ross, but I do not like to swear to rumors.

Q. I do not ask you to, but I ask whether they were concerning Mr. Pomeroy or Mr. Ross ?—A. My impression is that Mr. Pomeroy was the only candidate who had a majority, or so near it that his election was almost certain, and it did not affect him to any extent. There were very furious caucuses for two weeks before the election. I know I had withdrawn before Perry Fuller arrived. I conceded Mr. Pomeroy's election as certain before Mr. Fuller got there.

WASHINGTON, D. C., *Monday, May 27, 1872.*

Hon. EDMUND G. ROSS sworn and examined.

By Mr. LOGAN :

Question. Please give your name in full, and your age.—Answer. Edmund G. Ross ; forty-five.

Q. Your residence and occupation ?—A. Coffeetown, Kansas ; publisher.

Q. We are now inquiring, Mr. Ross, into some matters connected with the election of Senator in the year 1867 in Kansas—in fact, into the election of Mr. Pomeroy. If you know anything in reference to procuring votes for Mr. Pomeroy for the Senate at that time, through any improper or corrupt means, I wish you would state it.—A. I do not know anything of that of my own knowledge. I had a great many intimations that such was the fact. The most I know in regard to it was from Mr. Pomeroy himself.

Q. If Mr. Pomeroy stated anything to you in reference to that matter you can state it.

The WITNESS. You wish me to state what Mr. Pomeroy said to me ?

Mr. LOGAN. Anything in reference to improperly procuring votes by corrupt means. That is the question.

A. Mr. Pomeroy said to me at one stage of the canvass, toward its close, that it had cost him at that time \$30,000.

Q. Did he say for what he had expended the money ?—A. That was the inference that I drew.

Q. I ask did he state what he had expended the money for ?—A. Only in that way—that the election had cost him, or that the canvass had cost him, that amount of money.

Q. Who was Mr. Pomeroy's opponent ?—A. Mr. Carney—no. [To Mr. Pomeroy.] Who was your opponent at that time, Pomeroy ?

Mr. POMEROY. General Lee.

The WITNESS. No ; that was after Lee got out of the way.

Mr. ANTHONY. Lee was the only man voted for against Mr. Pomeroy.

The WITNESS. (To Mr. Pomeroy.) What time did Lee get out of the way there, if you recollect ? You ought to know.

Mr. POMEROY. He never got out of the way until he was beaten. He and I had all the votes that there were for the long term.

The WITNESS. I do not know that there was any person distinct in the field in competition with Mr. Pomeroy, at the time that this declaration was made that I speak of ; it was immediately previous to the commencement of the ball

By Mr. LOGAN :

Q. Was there any time during that canvass when his election was doubtful ?—A. Yes, sir.

Q. What time was that ?—A. That was when Mr. Lee was running in the canvass ; in fact, it was doubtful all the time up to within a few hours of the commencement of the balloting—up to the day or the night before the commencement of the balloting.

Q. Who was the person in opposition to him that seemed to have any chance of election ?—A. Mr. Lee and Mr. Carney were both, at times, in competition with Mr. Pomeroy.

Q. That doubt, then, was not dispelled until the vote occurred ?—A. Until that day ; that is according to my recollection.

Q. How did the vote start off ; do you recollect ?—A. Mr. Pomeroy had a majority of votes in the senate on the first day's ballot.

Q. Who had the balance of those votes ? Who ran ?

The WITNESS. (To Mr. Pomeroy.) Who ran against you in the senate the first day ? Was it Carney or Lee ?

Mr. POMEROY. I do not remember how that was. I remember the joint convention the next day. I do not remember the senate balloting before we went into joint convention.

The WITNESS. (After examining the Kansas senate journal.) That was the fact. The vote was between Mr. Pomeroy and Mr. Lee in the separate session in the senate. I have been in other business besides running for the senate since then, and I have forgotten a good deal of this.

By Mr. LOGAN:

Q. In the joint convention who were the candidates?—A. Mr. Pomeroy and Mr. Lee for the long term, and Mr. Carney and myself for the short term—the unexpired term.

Q. How did the vote stand between Mr. Pomeroy and Mr. Lee?—A. I see it stated here that Mr. Pomeroy had eighty-four votes and Mr. Lee twenty-five. I had forgotten what the vote was. It was largely in his favor. Mr. Lee was hardly considered a candidate; that is, the chances were so slender that his candidacy was not regarded hardly as a *bona fide* one.

Q. Who was the man that was understood to be the prominent candidate against Mr. Pomeroy?—A. There was none—no prominent candidate in the joint convention, according to my recollection.

Q. In the contest between Mr. Carney and yourself was that contest a close one?—A. Yes, sir.

Q. Were you elected?—A. Yes, sir.

Q. We might judge something of the other probably by that, as they were most intimately connected. Was there anything in that contest between yourself and Mr. Carney of the character you have named?—A. Nothing that I know of. I learned afterward that one man who voted for Mr. Pomeroy and myself had received money. I heard so afterward. I never had any direct evidence in regard to it. I heard that he had, and was inclined to believe it.

Q. Who was he?—A. His name was Finn.

Q. Received money for what?—A. Received money from both sides, to vote for Mr. Pomeroy and myself, and also for Mr. Carney.

Mr. ANTHONY. He did a good business.

The WITNESS. I guess it is true, too; I was inclined to believe it.

By Mr. LOGAN:

Q. Who told you that?—A. I could not name now any one person who told it to me, there were so many who suggested that that was probably the fact.

By Mr. ANTHONY:

Q. What made you believe it?—A. Because it was so rumored, and substantiated in such a way. It came very direct.

Q. How direct?—A. Men said they not only believed it to be true, but had good reasons for believing it.

Q. Who were the men?—A. I have forgotten, now, there were so many of them. One man who told me is now dead, Mr. Whiting.

By Mr. LOGAN:

Q. Received money for voting for you? Did you authorize anybody to pay money for votes?—A. No, sir.

Q. Did you pay him?—A. No, sir.

Q. How could you believe he received money for voting for you?—A. I said because I heard it so often and from so many sources that I was inclined to believe it.

By Mr. ANTHONY:

Q. Who did you believe paid him?—A. I do not know. I could not say with any positiveness about that, on anything more than belief. If you want to know who I believe paid him, I can say.

By Mr. LOGAN:

Q. Did you have any knowledge whatever that anybody was to use money to procure your election?—A. No, sir; none whatever.

Q. It is a matter of a good deal of importance, and I wish you to get it in as legal a sense as possible. Now, if there was no one authorized to pay money for you, if no one did pay it to your knowledge, if you did not do it, and that is all the basis you have for your belief in connection with Mr. Pomeroy and yourself both, is that a sufficient basis for you to form an opinion?—A. Well, we can form an opinion many times, and are convinced many times by incidental circumstances that are not good testimony in law. You are lawyer enough to know that. We are convinced of the existence of certain facts oftentimes for which we cannot give a legal reason. That is true the world over.

Q. A legal reason is no other than a reason?—A. A reason may be a valid reason and not conform to the letter of the law as testimony.

Q. Where does Mr. Finn live?—A. I heard a short time ago—and that is a case in

point—I believe he lives at a certain place, but I do not know it—that he lives down at either Batesville, in Arkansas, or Jacksonport. They are two points very near together. His name is D. C. Finn; either at Batesville or Jacksonport, Arkansas.

Mr. POMEROY. Finn is here in town. I had him subpoenaed.

The WITNESS. (To Mr. Pomeroy.) Have you had Sharp, from Wyandotte, summoned, or Mr. Nelson? Now there is a matter of belief that I have no positive knowledge about, yet it came to me from such a source that I believe it. I do not say that I believe, but I am inclined to believe, that this Mr. Sharp was paid money.

By Mr. LOGAN:

Q. Which Mr. Sharp?—A. That I just spoke of. I do not know his first name; I have forgotten.

Q. You say you have reason to believe he was paid money: paid money for what?—A. To vote for Mr. Pomeroy.

Q. But he did not vote for Mr. Pomeroy?—A. Did he not? Then, of course, there is nothing of it.

Mr. LOGAN. The vote here does not show his name at all. It shows Spencer, Sheldon, Spoonable, the only persons whose name commenced with "S" who voted for him. I do not find his name, except on the ayes and noes, on going into the election.

The WITNESS. Then my source of information was mistaken about his being a member.

Mr. LOGAN. He was a senator and voted on going into the election. [After examining further.] Yes; he did vote for Pomeroy when the vote was taken in the senate, but on joint vote he does not seem to have voted at all. [For journal of the joint convention showing the vote of Sharp in joint convention, see page pp. 10-12.]

The WITNESS. Have you had Maxson summoned?

Mr. LOGAN. No, sir.

By Mr. LOGAN:

Q. Did you ever talk with Mr. Sharp?—A. No, sir.

Q. Who gave you this information? Our object is to get at something that is definite, and not mere rumors that would not justify us in doing anything unless we could trace them.—A. That is a matter that I have heard from various sources, too. It comes in the shape of the other matter that I spoke of. I heard it with so much directness that I considered—I was inclined to believe it to be true.

Q. Did you hear that Mr. Pomeroy had paid a hundred dollars to have Mr. Wells's contested election attended to for him?—A. I did hear of that not long since.

Q. Did you hear it in the same way that you heard these other rumors?—A. Yes, sir; I will say, however, that I never heard of that until lately. I think it would be well enough to summon Mr. Maxson, and I will tell you all I know about that too. The only intimation I heard concerning improper influences in regard to Mr. Maxson's case was this: Mr. Maxson wrote to me in 1867, asking me for an appointment. I walked across the room and asked Mr. Pomeroy whether anything could be done for him, and Mr. Pomeroy seemed to be very impatient, seemed to receive it with impatience, and said—I am not certain whether he said, "I have paid him enough," or whether he said, "He has had enough;" one of these two replies. The only inference I drew from his remark was that he had been paid a valuable equivalent for his vote—for his support.

Q. Where does he live?—A. He lives in Independence.

Q. In Missouri?—A. In Kansas. He is register of the land-office there.

Q. Did you get him appointed, or who did?—A. Mr. Pomeroy got him appointed, I suppose. He was appointed after I went out, was he not, Pomeroy?

Mr. POMEROY. Well, yes; he was appointed this last year—a few months ago.

By Mr. LOGAN:

Q. Anything else, Mr. Ross?—A. Nothing else occurs to me in regard to that matter.

By Mr. POMEROY:

Q. The only question I desire to ask is, whether you know of Mr. Maxson being, at that time, the land commissioner or agent of the Missouri, Kansas and Texas Railroad, whether you know of his being employed by that company at that time?—A. No; I do not remember as to that.

Q. At any time?—A. I think he had previously been employed by the company. That is my recollection, but I do not remember of his being in its employ afterward, though he may have been.

Q. Well, at the time that you were speaking of?—A. No; I do not remember that he was. Was that what you paid him?

Mr. POMEROY. No; but being in that employment I thought was a reason why he should not be appointed. That was in my mind; that he was already employed by a company, which was better for him than to have any appointment.

The WITNESS. There was nothing of that kind said at that time.

Mr. POMEROY. I do not care to occupy any time about it.

The WITNESS. Where is Lee now, Mr. Pomeroy?

Mr. POMEROY. The last I heard of him he was in New Orleans. I have not heard of him for some time.

The WITNESS. I heard the other day he was in New York. [Examining a memorandum-book.] Mr. Nelson is the man who states this matter about Mr. Sharp, that Mr. Sharp received \$5,000 to vote for Mr. Pomeroy and to work for him.

Q. Who was Nelson?—A. I think he was a member of the last senate.

By Mr. LOGAN:

Q. Do you know Nelson's initials?—A. No. I think it is George R. Nelson.

By Mr. POMEROY:

Q. Did George R. Nelson—if that is the name, I do not know anything about him—did he tell you anything about it?—A. No, sir. It came as directly to me from him as I have stated.

Q. Who told you?—A. I was trying to think who told me. He was a reliable man, though, whoever he was. I don't recall his name now. It came direct. I have no doubt that Mr. Nelson stated it and believed it. I will try to recall his name and give it to you. Had you not better have Lee summoned? Mr. Lee was Mr. Pomeroy's competitor. Now this rumor—of course it is not legal evidence—but it was the general belief that Mr. Lee received money to get out of the way and to make a feint of a fight.

Mr. POMEROY. He did not get out of the way.

The WITNESS. He practically got out of the way, and many of his friends believed that he had sold out.

Mr. LOGAN. I have no interest in this case either way, but I do not think it is a good plan to blacken the reputation of anybody by hearsay.

The WITNESS. No; but it is a good plan to get the testimony of these men, and see whether they do know anything about it.

Mr. LOGAN. We have got the testimony of every man that has been suggested to us.

The WITNESS. You can't tell whether there is anything in these rumors until you get the testimony. There is a chance for ascertaining the facts. Now, what we want is the truth of the matter out there in our State. We are interested in it as much as Mr. Pomeroy is. If he has been belied it is due to him, and to us, and to the reputation of the State that it should be shown; and if these statements are true it is also due to us that that should be shown.

By Mr. POMEROY:

Q. Do you believe these stories they told about your paying money to Finn and others?—A. No; I don't believe anything of the sort, of course.

Mr. POMEROY. Nor do I.

The WITNESS. I never heard that I did.

Q. Or anybody for you?—A. I heard that Perry Fuller had paid him [Finn] money for you and me.

Q. Do you believe it?—A. I do; I believe Perry Fuller paid him money, and I believe Carney paid him money. Whether you [to Mr. Pomeroy] paid him money, I have not as good testimony as I have of them; that is, not what I consider as absolute.

Q. Do you think I paid him any at all?—A. I very strongly suspect that you did. It is well understood that he went for money, and was going the rounds for it.

Subsequent to the delivery of the testimony of Hon. E. G. Ross, on the 27th of May, the committee received the following communication in relation to the subject of investigation:

WASHINGTON, D. C., May 28, 1872.

SIR: I have the honor to represent that, in reference to the investigation now pending of charges of bribery in the election of Hon. S. C. Pomeroy in 1867 to the United States Senate, there are numbers of persons in the State of Kansas whose testimony, it is believed, would disclose the fact that improper influences, in the nature both of money and promises of appointment, were used by Mr. Pomeroy to procure his election at that time.

In view of the impossibility of procuring the attendance of these persons before the probable adjournment of Congress, and also of the pressure of other matters upon the members of the committee, incident to the closing days of the session, to the partial exclusion of this investigation, I respectfully request that the case be continued till December next, to the end that the investigation may be made within the State of

Kansas, where nearly all the witnesses reside, and where, only, an impartial and thorough ascertainment of all the facts can be had.

I am informed that the case of Mr. Caldwell has been postponed, to be continued in Kansas during the recess, and that the committee can therefore be subjected to no additional inconvenience by the postponement of Mr. Pomeroy's case, to be examined at the same time and place.

I have already given the committee several and am ready to give it other names, whose testimony I consider essential to a full understanding of the case.

For the purpose, therefore, of securing what the people of Kansas most earnestly desire and what the resolution authorizing this investigation has pledged the United States Senate to give them—a thorough sifting of the accusations of the bribery of their legislature—I trust you will consider my request, made in behalf of the people of Kansas, a not unreasonable one, and continue the case accordingly.

Very respectfully, your obedient servant.

E. G. ROSS.

Hon. O. P. MORTON,

Chairman of Committee on Privileges and Elections.

WASHINGTON, D. C., Thursday, May 30, 1872.

Hon. EDMUND G. ROSS recalled.

By Mr. LOGAN:

Question. As to these witnesses that you speak of, Mr. Ross, in this communication, I wish to ask you, as you say there are numbers of persons in the State of Kansas whose testimony it is believed would disclose the fact that improper influences, in the nature both of money and promises of appointment, were used by Mr. Pomeroy to procure his election at that time— Answer. Yes, sir.

Q. —who were those witnesses that you have referred to?—A. There are quite a number of them. I only think of two or three now that occurred to me on running through the list after I left you the other day. One of them is a man named Luce, who I know had the promise of the clerkship of Mr. Pomeroy's committee, and got it afterward. I know one person that promised it to him. Whether Mr. Pomeroy did or not I do not know—that is, I have no evidence of it—but I know he got it, and I know a gentleman said he could have that if he would vote for him.

Q. Was he a member of the legislature?—A. No. Luce was, and voted for him.

Q. Where does Mr. Luce live?—A. In Centropolis.

Q. In Kansas?—A. Yes, sir; that is, I do not say I know it. I can prove that he had that promise.

Q. Who made him the promise?—A. Perry Fuller made it to him.

Q. Perry Fuller is dead?—A. Yes.

Q. Was Luce opposed to Mr. Pomeroy?—A. He was understood to be opposed to him. That was my understanding. I gathered that from others, not from conversation with him.

Q. Well, who else?—A. Another man there, whose name is Wiley, was in the senate. I always supposed, and was given to understand it by the parties afterward, that Mr. Pomeroy had promised him an Indian agency, which he got. He voted for Mr. Pomeroy, but not for me. Luce voted for Pomeroy and myself both.

Q. Was he promised anything if he would vote for you?—A. I do not know that he was. He (Wiley) has always since been a warm personal friend of mine.

Q. Who else?—A. Those are the only two that now occur to me. This man Wiley is sick at present.

Q. Where does he reside?—A. At Quenemo, in the same county where Luce resides. And the lieutenant governor there, I think I have pretty good reason to believe, had the same promise that Luce had.

Q. Who is the lieutenant governor?—A. At that time Dr. Root, now minister to Chili.

Q. You say you have pretty good reason to believe these things. Now, you might send us all over the world for witnesses in this way, and detain us a year in getting the testimony without giving a specific statement. What reasons have you for believing them?—A. Well, Logan, if you would go out there you would easily comprehend.

Q. I do not want to discuss it with you, but to get at a basis for action.—A. As to this man Root, I judge a good deal by appearances; he was warmly for Pomeroy, but I say I think I have good reason to believe he was promised that position, and he got it afterward in his turn. He complained a long time before he got it that Pomeroy had not done him justice, giving me to understand that he had not fulfilled his pledges.

Q. Was he a member of the legislature or senate?—A. He was lieutenant governor.

Q. At that time?—A. Yes, sir; I think he was.

Q. Did he have any vote?—A. No, I don't think he had any vote on that question: the lieutenant governor votes only in case of a tie. He was very warmly Mr. Pomeroy's friend.

Q. I want the facts, so as to get at the testimony. There are no names or dates given in this letter you have addressed to the committee, and I cannot send for any witnesses upon it.—A. I say then, in addition to what I said when I testified before, when I gave several names, that I desire to give you the names of additional witnesses that I wish to have summoned. One would suppose that when I say, as I do there, that I have reason to believe witnesses would give valuable testimony, that would be enough.

Q. But we cannot summon them without names.—A. I have been a member of your body, and my statement is entitled to some consideration.

Q. But you have not given us the names of the men, and we cannot summon them unless we know their names, can we?—A. But you said you could not summon them: except I give my reasons: you have asked me to state my reasons for belief.

Q. We cannot send upon mere vague rumor.—A. But it is not to be supposed that I would act upon a mere vague rumor. I have too much at stake myself, and I have already given names.

[Upon reading over the foregoing testimony the witness adds:]

I remember, upon reflection, that the time when Root was lieutenant governor was in 1861, when Mr. Pomeroy was first elected and the obligation I speak of incurred.

WASHINGTON, D. C., Monday, May 27, 1872.

ISAAC S. KALLOCH sworn and examined.

By Mr. LOGAN:

Question. Please state your name in full, and your age.—Answer. Isaac S. Kalloch: forty years.

Q. Give your residence and occupation.—A. Lawrence, Kansas: editor of a newspaper.

Q. The matter of investigation before this committee, Mr. Kalloch, is in reference to charges of corruption in procuring votes for the election of Mr. Pomeroy, in 1867. Will you please state what you know in reference to that matter?—A. I was tolerably intimate with the campaign preparatory to the election and during the election. I was through the State somewhat in behalf of Mr. Pomeroy, sometimes with him, and sometimes by myself, making public speeches referring to the matter. It was well understood, all over the State, that he was a candidate. I was at Topeka during the whole progress of the campaign. I was in Mr. Pomeroy's room several times, day and night, and was as conversant, perhaps, with the workings of the thing as any gentleman there. I never saw or knew of any improper means of any description being used to secure votes for him. I was in a position where I must have known it if they were used.

Q. You say you were in his room?—A. I say I was in his room every day several times.

Q. State what the impressions of the people were, generally, as to Mr. Pomeroy's success in that election.—A. It was confidently anticipated that he would be elected.

Q. What was the belief when the legislature first assembled after the candidates were known?—A. It was always the general opinion that he would be elected. It was admitted by his opponents as well as his friends, by the time he had been there a few days, that he would be elected.

Q. Was there any time during that canvass that Mr. Lee had any chance of being elected against Mr. Pomeroy?—A. No, sir.

Q. Or Mr. Carney?—A. Mr. Carney withdrew at an early day from candidacy for the term for which Mr. Pomeroy was aspiring—the long term—and changed to the short term, because it was admitted that Mr. Pomeroy would be elected to the long term.

By Mr. POMEROY:

Q. Do you know when Mr. Ross arrived at Topeka? You said you were there from the start.—A. I cannot state exactly, of course.

Q. State approximately.—A. A week or ten days after the commencement, I should say; or, say, two weeks.

Q. What were Mr. Ross's chances of election, in the judgment of yourself and others familiar with the canvass, at the time he got there?—A. I did not think he had much show at that time, or any, in fact.

Q. Do you know when Perry Fuller got there?—A. I do.

Q. When did he arrive in town?—A. That is, I know within a day or so. He arrived, I should say, Thursday night before the election, which occurred the next Tuesday. I should say Thursday night or Friday morning.

Q. About four days?—A. Three or four days.

Q. You said you were in my room. You were there often, I know. Did you see Perry Fuller there?—A. I think I never did.

Q. Do you know of his occupying any rooms there with me, or adjoining me?—A. I know he did not occupy rooms near there.

Q. Where did he occupy rooms?—A. I do not know where he did occupy rooms; but he was at the house where I stopped most of the time.

Q. What house?—A. The Topeka House.

Q. Another house?—A. Yes, sir; where Carney and Lee had rooms.

Q. In your testimony, before the committee of the Kansas legislature, you say he told you he had come there to put somebody through. Whose election did you understand him to be in the interest of?—A. Mr. Ross's.

Q. What did Perry Fuller tell you when he first arrived in town, if anything?—A. Mr. Fuller came to my room; the first room, I think, he visited. When he arrived a couple of my friends went for him. He said to me, "Well, old Pom. is out of the woods, and I have come here to put another man through," or, "to put a man through for the short term." He said, "I suppose 'old Pom.' is out of the woods; now I want to get a man elected for the short term."

Q. By "old Pom." you mean me?—A. That is what he said.

Q. That is the common name there?—A. Yes, sir; that is what the boys call you.

Q. What occasion was there, either before or after Perry Fuller got there, for my using any money, or promises, or corrupt means, at all?—A. There was none, in my opinion. It was a well-settled fact that you were as good as elected when Mr. Fuller arrived there, and before he arrived there. There was no other candidate for the long term at that time. They had all retired.

Q. Except Lee?—A. Yes, sir.

Q. What would be your judgment—it is hardly legal, perhaps—but what would be your judgment of a man using money under such circumstances? Do you know me as a business man?—A. I should not suspect you of doing it.

Q. One question further. Do you know P. B. Maxson?—A. I do.

Q. Do you know of his being in the employ of the Missouri, Kansas and Texas Railroad at one time, about their lands?—A. I believe he was.

Q. Do you know how long he was in their employ?—A. I do not. I have no idea.

Q. What is Mr. Maxson's standing in Kansas?—A. I should think it was fair. He lives some distance from me, you know, and I am not competent to answer that question very positively. I should say, outside of politics, which is apt to damage most men's reputations, and he has been in it some, that he stands very well.

Q. Do you know anything against him?—A. No, sir; nothing.

Q. Do you know who introduced the resolution into the legislature to make this investigation?

The WITNESS. In your case?

Mr. POMEROY. In my case.

A. Tom Fenlon, of Leavenworth.

Q. Had there been previously a resolution to investigate Mr. Caldwell?—A. Yes, sir.

Q. Was my name in the original resolution at all?—A. No, sir.

Q. How long after the original resolution was adopted was it till my name was added to it?—A. Well, several days. I do not know exactly, but several days.

Q. Have you examined your testimony in this book as it is printed?—A. I have not.

Q. I refer to the testimony you delivered before the joint committee of the Kansas legislature to investigate this subject.—A. I have not.

Q. Will you tell me whether you are correctly reported so far as you have read it?—A. O, I looked over this once. I meant by examined, a careful examination. I have examined it sufficiently to answer that question. I can answer that I was incorrectly reported. I recollect distinctly quite a long answer that was left out entirely. They questioned me about Perry Fuller coming there, and who he came to put through, and I said, Mr. Ross; and the question was whether the same men that supported Mr. Ross supported Mr. Pomeroy, and I said, "Yes, in the main, but that there was no combination between them, because Mr. Pomeroy's election was assured before Perry Fuller got there, or Ross was a probable candidate." That part of my answer does not appear here at all. This is a very incomplete and fragmentary report. They asked me what my bill was there, and I said, "My board at the last session, and not many extras." They have it, "My board and many extras." They left out the "not."

Q. Have you read the report that this committee made upon that testimony?—A. Yes, sir.

Q. Does the testimony sustain the report, in your judgment?—A. No, sir; nor in that of anybody else in our country.

[The foregoing evidence having been read over to the witness, he adds the following:] Mr. Perry Fuller was at the Topeka House, where I stopped part of the time, and perhaps most of the time.

WASHINGTON, D. C., Tuesday, May 28, 1872.

CHARLES W. NELSON sworn and examined.

By Mr. LOGAN :

Question. Please state your name, age, residence, and occupation.—Answer. My name is Charles W. Nelson : my age is twenty-five years : my occupation, lawyer : I reside at Ottawa, Kansas.

Q. Are you the administrator of Perry Fuller, deceased?—A. I am.

Q. State whether you have his books and papers in your possession.—A. I have his books and papers in my possession. [Submitting three large account-books.]

Q. Are these the books?—A. These are “ledger A,” “day book A,” and “journal A.”

Q. Do they contain his accounts?—A. Yes, sir ; all that I have in my possession.

Q. I wish you would turn to any account in these books showing any transactions between Mr. Pomeroy and Mr. Fuller.—A. On page 371 of the ledger is the only account of Mr. Pomeroy in that book.

Q. You say that is the only account of Mr. Pomeroy that appears in the books?—A. Yes, sir ; that is the only account. That is “January 24, 1866, to Northrup & Chick.” That was a check by Mr. Fuller to Mr. Pomeroy. Mr. Pomeroy is charged with it. The amount is \$3,000. The next entry is dated March 21, 1866, and is a draft on “B. S & Co.,” which means Buckley, Sheldon & Co., New York, for \$1,500. Against it is a credit, paid June 27, by check of Pomeroy’s, which was cashed at Rittenhouse, Fowler & Co.’s.

Q. The first transaction was January 24, 1866, and the next, March 26, 1866?—A. Yes, sir ; that is the whole account. It appears on the ledger, page 371, as follows :

S. C. POMROY.

1866.				1866.			
Jan. 24	To Northrup & Chick..	161	\$3,000	June 27	By cash, R. F. & Co.....	256	\$4,500
March 26	To B. S. & Co.....	196	1,500				
			4,500				4,500

By Mr. ANTHONY :

Q. Where is the day-book—the original entry?—A. On the journal, page 161, the entry appears :

154	Sundries, Dr. to Northrup’s check		\$5,000
466	Rittenhouse, Fowler & Co	\$2,000	
371	S. C. Pomroy.....	3,000	

That is posted here in this ledger, as I have shown. The figures 154, 366, and 371, refer to the pages of the ledger.

Mr. ANTHONY. That is a queer way of keeping books.

The WITNESS. That is the way it is done all the way through.

By Mr. POMEROY :

Q. What is the whole amount of that account?—A. Forty-five hundred dollars. It was balanced June 27.

Q. [Showing witness a paper.] Is that Perry Fuller’s indorsement upon that?—A. Yes, sir ; that is his name.

Q. Is that the check that paid that account?—A. I cannot tell.

Q. Look on the book and see if the dates agree?—A. This is the same amount. This check is dated the 3d of April, 1866. I will look in the journal. [Examines the journal.] Well, sir, I see that this check is dated April 3, 1866. There is no date on the journal telling what date the check was.

Q. Am I credited with this check?—A. Yes, sir ; you are credited with that amount of money.

Q. Did that balance the books?—A. Yes, sir ; that was June 27, 1866, that the books were balanced. I will state that the index of those books never came into my possession ; it was never brought to me.

Q. You have already sworn that there is no other account (with me) on the books but that?—A. No, sir ; and I have hunted through quite faithfully. I have also been called upon [by a subpoena *duces tecum*] to bring some other papers, but I have never had them. These are the only books of accounts that ever came into my possession. I was called on for bank-books, stubs of check-books, and account-books. These are the account-books. I never had any bank-books or stubs of check-books.

Q. Are these all the books ever given to you as administrator?—A. Yes, sir ; these are all that ever came into my possession as administrator.

WASHINGTON, D. C., *Tuesday, May 22, 1872.*

DANIEL C. FINN, called on the part of Mr. Pomeroy, sworn and examined.

By Mr. POMEROY :

Question. State your name, residence, and occupation.—Answer. My name is Daniel C. Finn; I reside at Rocky Comfort, Little River County, Arkansas; I am a practicing attorney at law.

Q. Have you seen this report of the joint committee of investigation of the Kansas legislature in 1872?—A. I have not.

Q. [Exhibiting the document referred to to the witness.] What does that book purport to be?—A. A report of the joint committee of investigation appointed by the Kansas legislature of 1872.

Q. I call your attention to the testimony of Mr. Macdonald, page 212. You may read it aloud to the committee.—A. It is as follows:

“S. D. MACDONALD, having been sworn, testified as follows:

Examined by the CHAIRMAN:

“Q. Where do you reside?—A. Topeka, Kansas.

“Q. Do you know anything about the use of money in the senatorial election of 1867?—A. Yes, sir.

“Q. State what you know about it.—A. Well, I was in Mr. Down's room in the Capitol House during the latter part of the session of 1867, and while I was there talking with Mr. Downs, Mr. Finn, a member of the legislature, came in for money, and Mr. Downs told him he might take \$500 or nothing; and he paced the floor some time and seemed indisposed to take it, but finally consented, and Mr. Downs gave him what he said was \$500, and I think he told him he must give him a receipt in full. I understood that to be for his services in the senatorial election, but more than that I know nothing.

“Q. Is that the only instance in which you know of the use, or the offer of the use, of money in that campaign?—A. Yes, sir.

“Q. Do you know anything of the senatorial campaign last winter in that respect?—A. No, sir.

“Q. Do you know for whom Mr. Finn was to use his influence for that consideration?—A. I do not know certain, but my impression was that it was for Ross.”

Mr. POMEROY. I will ask to have read the evidence of Mr. Ross, given on yesterday, concerning the vote of Mr. Finn.

The clerk read as follows from the testimony of Mr. Ross:

“I learned afterward that one man who voted for Mr. Pomeroy and myself had received money; I heard so afterward. I never had any direct evidence in regard to it. I heard that he had, and was inclined to believe it.

“Q. Who was he?—A. His name was Finn.

“Q. Received money for what?—A. Received money from both sides to vote for Mr. Pomeroy, myself, and also for Mr. Carney.

“Mr. ANTHONY. He did a good business.

“The WITNESS. I guess it is true, too. I was inclined to believe it.

“By Mr. LOGAN :

“Q. Who told you that?—A. I could not name now any one person who told it to me. There was so many who suggested that that was probably the fact.

“By Mr. ANTHONY :

“Q. What made you believe it?—A. Because it was so rumored and substantiated in such a way; it came very direct.

“Q. How direct?—A. Men said they not only believed it to be true, but had good reasons for believing it.

“Q. Who were the men?—A. I have forgotten now, there were so many of them. One man who told me, Mr. Whiting, is now dead.

“By Mr. LOGAN :

“Q. Received money for voting for you? Did you authorize anybody to pay money for votes?—A. No, sir.

“Q. Did you pay him?—A. No, sir.

“Q. How could you believe he received money for voting for you?—A. I said because I heard it so often and from so many sources that I was inclined to believe it.

“By Mr. ANTHONY :

“Q. Who did you believe paid him?—A. I do not know. I could not say with any positiveness about that, on anything more than belief. If you want to know who I believe paid him, I can say.”

THE WITNESS: In reference to the statement by Mr. Macdonald made in that book, it is false. Mr. T. B. Emmert is State senator from the district comprising the counties of Bourbon and Cherokee —

Q. Which county did you represent?—**A.** Cherokee; Mr. Emmert called on Mr. Pomeroy on our arrival at Topeka. While in Mr. Pomeroy's room, without any request, that is, without Mr. Pomeroy asking any questions, I told Mr. Pomeroy that my constituency had instructed me to vote for him, and that whom I should vote for, that is, as a second man, I could not say. Mr. Pomeroy remarked that he didn't care; and I think that was all that passed between Mr. Pomeroy and myself until after he was elected Senator, when I met him at the Topeka House and shook hands with him and bade him good-by.

Q. I want to ask you, in view of the testimony of Mr. Macdonald and Mr. Ross whether you received any money from any source as coming from me or my friends, or any one connected with me?—**A.** No, sir; nor did I receive a dollar as compensation for any vote I cast during that session of the legislature.

Q. Do you know Mr. Macdonald, whose testimony is in that book?—**A.** Yes, sir; I have seen the gentleman. He was a member of the legislature in 1865, of which I was also a member.

Q. Do you know Mr. Downs, also named there?—**A.** I saw Mr. Downs the same day I saw you; I was introduced to him; I do not think I ever saw Mr. Downs during the senatorial canvass after that time.

Q. What was the sentiment of the legislature, so far as you know, in the early part of the canvass after you got there, on this subject?—**A.** The legislature, in the early part of the canvass, was, I think, a large majority for you. The members were very much divided in reference to the second candidates. It was generally conceded that you would have a large majority; and the question arose there whether he [Mr. Pomeroy] would receive the same number of votes that General Lane received four years before.

By the Chairman, (Mr. MORTON:)

Q. As to this statement which was made, that you received \$500, you say that there was nothing of that?—**A.** No, sir; I received no money.

Q. Directly nor indirectly?—**A.** No, sir, for any vote I cast during that session of the legislature, or for any other legislative business.

By Mr. ANTHONY:

Q. Or any valuable consideration?—**A.** No, sir.

By the Chairman, (Mr. MORTON:)

Q. You committed yourself to Mr. Pomeroy without being asked?—**A.** Yes, sir.

By Mr. POMEROY:

Q. You were instructed by your people?—**A.** I was instructed by my people. Mr. Emmert—

Q. He was State senator?—**A.** Yes, sir. He visited me on the neutral lands, and in making several speeches through the neutral lands, he spoke in favor of Mr. Pomeroy, and when the people voted for me, they voted for me with the distinct understanding that I should cast my vote for Mr. Pomeroy. The second choice of these people was for D. P. Lowe, now a member of the House of Representatives. The whole border tier of counties, as it is termed, desired to support Mr. Lowe for the short term.

By Mr. ANTHONY:

Q. Do you know of any circumstance or anything that could have given rise to that testimony which you pronounce false?—**A.** I do not.

Q. You think it is a pure invention?—**A.** Yes, sir.

[The foregoing testimony having been read over to the witness, he adds:] Mr. Lowe was a candidate up to about five days before the election, but withdrew his name then.

WASHINGTON, D. C., *Tuesday, May 28, 1872.*

W. F. DOWNS, called on the part of Mr. Pomeroy, sworn and examined.

By Mr. POMEROY:

Question. State to the committee your name, residence, and occupation.—Answer. W. F. Downs; Atchison, Kansas; general superintendent Central Branch Union Pacific Railroad.

Q. Have you ever seen a book called the report of the joint committee of investigation appointed by the Kansas legislature of 1872?—A. I have.

Q. Has your attention ever been called to the testimony of Mr. Macdonald, as found on page 212?—A. It has.

Q. I will read a portion of it. He was asked as follows:

“Q. Do you know anything about the use of money in the senatorial election of 1867?—A. Yes, sir.

“Q. State what you know about it.—A. Well, I was in Mr. Downs's room, in the Capitol House, during the latter part of the session of 1867, and while I was there talking with Mr. Downs, Mr. Finn, a member of the legislature, came in for money, and Mr. Downs told him he might take \$500 or nothing; and he paced the floor some time and seemed indisposed to take it, but finally consented, and Mr. Downs gave him what he said was \$500, and I think he told him he must give a receipt in full. I understood that to be for his services in the senatorial election, but more than that I know nothing.

“Q. Is that the only instance in which you know of the use or the offer of the use of money in that campaign?—A. Yes, sir.

“Do you know anything of the senatorial campaign last winter in that respect?—A. No, sir.

“Q. Do you know for whom Mr. Finn was to use his influence for that consideration?—A. I do not know certain, but my impression was that it was for Ross.”

Mr. POMEROY. I now want the clerk to read the testimony of Mr. Ross as given on this subject.

The clerk read from the testimony of Mr. Ross as follows:

“I learned afterward that one man who voted for Mr. Pomeroy and myself had received money. I heard so afterward. I never had any direct evidence in regard to it. I heard that he had, and was inclined to believe it.

“Q. Who was he?—A. His name was Finn.

“Q. Received money for what?—A. Received money from both sides to vote for Mr. Pomeroy, myself, and also for Mr. Carney.

“By Mr. ANTHONY:

“Q. He did a good business.

“The WITNESS. I guess it is true, too. I was inclined to believe it.

“By Mr. Logan:

“Who told you that?—A. I could not name, now, any person who told it to me, there were so many who suggested that that was probably the fact.

“By Mr. ANTHONY:

“Q. What made you believe it?—A. Because it was so rumored and substantiated in such a way; it came very direct.

“Q. How direct?—A. Men said they not only believed it to be true, but had good reasons for believing it.

“Q. Who were the men?—A. I have forgotten now; there were so many of them. One man who told me, Mr. Whiting, is now dead.

“By Mr. LOGAN:

“Q. Received money for voting for you? Did you authorize anybody to pay money for votes?—A. No, sir.

“Q. Did you pay him?—A. No, sir.

“Q. How could you believe he received money for voting for you?—A. I said because I heard it so often and from so many sources that I was inclined to believe it.

“By Mr. ANTHONY:

“Q. Who did you believe paid him?—A. I do not know. I could not say with any positiveness about that, or anything more than belief. If you want to know who I believe paid him, I can say.”

By Mr. POMEROY:

Q. You have heard the statement contained in this book and heard that testimony given by Mr. Ross. Tell the committee what, if any, portion of it is true. Tell all about it.—A. The statement is incorrect in every respect so far as relates to myself. I never had any communication with Mr. Finn and never spoke a dozen words to him in Topeka.

By the Chairman, (Mr. MORTON:)

Q. Did you ever pay him any money?—A. No, sir.

Q. Did you ever give him a check?—A. Never.

Q. Did you ever give him anything in any shape whatever?—A. No, sir.

Q. Did you have any such conversation with him?—A. No such conversation. I never met him in Topeka, except, possibly, to be introduced to him once in Senator Pomeroy's room. My memory is not entirely clear on that subject. I have had no communication at all with Mr. Finn until I met him here in Washington within a few hours, when he called my attention to the fact of my having been introduced to him, which is probable.

Q. Do you know of any money being paid by anybody for votes in that election?—A. No, sir.

Q. Or of any corruption being used?—A. Not any, sir.

By Mr. ANTHONY :

Q. The witness testified that this interview took place in Mr. Downs's room. Was Mr. Finn ever in your room?—A. Not to my knowledge.

Q. Do you know of any circumstance out of which this story could have been made or imagined?—A. I can conceive of none.

Q. You think it is entirely an invention?—A. I do, sir. I will state further, that the testimony, as printed, does not correspond with Mr. Macdonald's statement to me as to what he had testified to—his statement having been made to me before I saw the printed copy.

WASHINGTON, Tuesday, May 28, 1872.

Hon. SIDNEY CLARKE (called by Mr. Pomeroy) was sworn and examined.

By Mr. POMEROY :

Question. State your residence and occupation.—Answer. Lawrence, Kansas; general business.

Q. Also your age.—A. I am about forty.

Q. Were you at Topeka during the canvass of 1867, when the election of Senators took place?—A. I was a portion of the time.

Q. Were you in the canvass before the people that preceded that election?—A. Yes, sir; I canvassed the State as a candidate for member of Congress.

Q. Were you a member of the House of Representatives at that time?—A. Yes, sir.

Q. I want to have you inform the committee, if you can, calling to mind the canvass at Topeka, at what time Mr. Ross reached Topeka from Washington; whether you remember his being there, and what time he reached there.

The WITNESS. Mr. Ross or myself?

Mr. POMEROY. I want to know as to both of you.—A. I ought to know that. I do know it, but I cannot fix it by anything in Mr. Ross's case.

Q. At what time did you reach Topeka?—A. I reached Topeka five or six days—I think six—before the ballot.

Q. Was Mr. Ross there when you arrived?—A. My impression now is that Mr. Ross reached Topeka about the same time that I did.

Q. Now, the question I want to ask you is this: you said you were acquainted with members of the legislature and the sentiment of the people; what was the impression as you received it about the time you arrived, in regard to the probable election of myself?

The WITNESS. Shall I state when I—

Mr. POMEROY. State just what you please.—A. I arrived at Topeka, according to the best of my recollection, about six days before the balloting, at about midnight, and took rooms at the Capitol House, where Mr. Pomeroy was located, and I became satisfied before morning, after looking over the list of members of the legislature and the information I already possessed, that Mr. Pomeroy was certain of election. I had previously canvassed the State as candidate for Congress, speaking in nearly every county, and had a general acquaintance with the members of the legislature. In fact, I regarded the contest as settled before I left Washington, so far as Mr. Pomeroy was concerned.

Q. Can you state to the committee when Perry Fuller reached Topeka?—A. A day or two after I reached Topeka. I will make a statement about it if the committee want it.

Q. It is no matter. How many days before the voting, should you think?—A. I should think about four days.

Q. Do you know Edward Russell?—A. Yes, sir.

Q. Can you state to the committee whom he supported or was supposed to be in favor of for the Senate?—A. He was one of the special friends of General A. L. Lee, who was one of the candidates for Senator.

Q. Were you often in my room during that canvass?—A. Yes, sir.

Q. Do you know of Ed. Russell being there?—A. I never remember to have seen him in your room.

Q. Do you know of any parties being there who were supporting other candidates—that is, being there often, frequently?—A. I suppose it was quite common. I will explain how that was. I suppose it was quite common for men to run in there.

Q. Mr. Ed. Russell swore he was in my room day and night and found Perry Fuller there, who had a room there, or in the adjoining room. I ask you, as you were there, whether you saw Ed. Russell there?—A. I did not. Mr. Russell must be mistaken about it.

Q. Do you recollect of meeting Perry Fuller in my room, or know of his occupying rooms with me or adjoining me?—A. I feel quite sure Perry Fuller never roomed at the Capitol House at all.

Q. Where do you think he roomed?—A. My recollection is that he was stopping at Lawrence, and that he came up and returned once or twice or three times during the last days of the canvass.

Q. How far is Lawrence from Topeka?—A. Twenty-five miles by railroad.

Q. Were the cars running?—A. Yes, sir.

Q. Do you know who Perry Fuller was supposed to be supporting, or interested in supporting, or anxious to elect during that canvass?—A. Mr. Fuller was understood to be a supporter of Mr. Ross for the Senate. He was running for the short term—the four years' term.

Q. State generally anything you think of pertinent to this investigation; you know the object of it.

By Mr. ANTHONY:

Q. Do you know of any moneys being used in that election?—A. No, sir.

Q. Or any valuable consideration?—A. No, sir.

Q. Or any improper mode of influencing the election in promises of compensation for voting?—A. No, sir; I have no knowledge of anything of the kind. Mr. Pomeroy having been a candidate in the canvass, it was generally admitted that he had a majority—that a majority of the members of the legislature had been elected to vote for him; and the canvass was generally regarded by myself and others as a very easy one. There was, however, a contest as to filling the short term, which had been made vacant by the death of Mr. Lane. I will add, in reference to Perry Fuller being at Topeka, that I remember, since this comes up, that while on my way from Washington to Topeka, as I was taking dinner over the depot at Pittsburgh I saw Mr. Fuller and his wife, and from there we traveled on together. As to that newspaper matter, after General Lane's death we had no paper at Lawrence. The Journal men came and asked us to help them, and we (Mr. Pomeroy and I) agreed to do so, giving them not money but notes. The Johnson party afterward nominated a ticket and the Journal supported it, and of course we did not pay the notes. It went to suit and we beat them.

By Mr. POMEROY:

Q. Does that record show it? [Submitting the report of the joint committee of investigation appointed by the Kansas legislature of 1872 to investigate senatorial elections of 1867 and 1871, and indicating the record of the case of Reynolds vs. Pomeroy and Clarke, pp. 261-272, which will be found at the end of the testimony of this witness.] —A. Yes, sir; that is the record of the case printed there. I never went near the suit. Congress was in session. I understand that my attorney, and I suppose Mr. Pomeroy's, in the answer that he put in, stated that these notes were given against public policy. That is the only thing that looks bad about it, but I take it that there is no force in that. That is all there is about it.

By Mr. LOGAN:

Q. The question is, what you gave that for?—A. We gave that to have the paper support the party; because without it we anticipated we should be without a paper there.

Q. You gave it to sustain the paper, it being the only paper of the party there?—A. Yes, sir; it was to sustain the paper.

The record of the case of Reynolds vs. Pomeroy and Clarke, submitted to the witness above, and shown in the certified copy of the report of the joint committee of the Kansas legislature of 1872, is as follows:

CIVIL ACTION.

M. W. REYNOLDS	}	.
vs.		
S. C. POMEROY and SIDNEY CLARKE.	}	

Be it remembered that heretofore, to wit, on the 22d day of February, A. D. 1870, and

at the February term, A. D. 1870, of the district court, sitting in and for Douglas County, State of Kansas, among others the following proceedings, to wit, were had:

Milton W. Reynolds, plaintiff, *vs.* Samuel C. Pomeroy and Sidney Clarke, defendants.
Civil action.

This day came the said plaintiff, by Riggs, Nevison & Foote, his attorneys, and the said defendants, by their attorneys, A. H. Horton, Akin & Barker, and in open court the said parties waived a trial by jury in this action, and submitted the same to the court upon the issue joined between the parties, and the court, after hearing the evidence and arguments of counsel, do find as facts in this case as follows: That on the 12th day of March, A. D. 1866, the defendants made the promissory notes as stated in the petition, and delivered the same to G. A. Reynolds, the agent of M. W. Reynolds; that the consideration for the notes was the promise on the part of M. W. Reynolds, through his agent, George A. Reynolds, to use his newspaper, the Lawrence State Journal, to influence the re-election of Sidney Clarke to Congress and the re-election of Samuel C. Pomeroy to the United States Senate; that M. W. Reynolds did, in pursuance of his agreements, endeavor to influence and secure the re-election of Sidney Clarke to Congress, up to the time of the nomination of Clarke by a convention of delegates of a party of the people of Kansas in September, 1866, and did endeavor to influence and secure the re-election of Samuel C. Pomeroy to the United States Senate up to the time of the election of Pomeroy by the legislature of the State of Kansas in January, A. D. 1867; and the court do therefore further find, as a conclusion of law in this case, that the contract attempted to be entered into was against public policy and void. It is therefore considered and adjudged by the court here that said plaintiff ought not to have his said action against the said defendants or either of them; and it is, therefore, further ordered and adjudged by the court that the said defendants recover of said plaintiff the costs herein expended—taxed \$. To all of which findings and judgment of this court the said plaintiff, by his counsel, duly excepted and gave notice of a motion for a new trial of said action.

STATE OF KANSAS, *Douglas County*:

I, B. D. Palmer, clerk of the district court sitting within and for said county and State, hereby certify that the above and foregoing is a true and correct copy of the order and proceedings of the court in the above case as the same now appear of record in my office.

Witness my hand and the seal of said court this 21st day of February, A. D. 1872.

[SEAL.]

B. D. PALMER, *Clerk*.

Depositions of sundry witnesses taken before me, Nicholas Callan, a notary public, in and for the county of Washington, in the District of Columbia, on the 31st day of January, 1870, between the hours of 8 o'clock a. m. and 6 o'clock p. m., at the office of said Nicholas Callan, No. 448, 15th street, in said county and district, pursuant to the annexed notice, to be read in evidence on behalf of the defendants in the cause pending in the Douglas County district court, in Douglas County, State of Kansas, in which Milton W. Reynolds is plaintiff, and Samuel C. Pomeroy and Sidney Clarke are defendants in said cause.

Samuel C. Pomeroy, of lawful age, being by me first duly examined, cautioned, and solemnly sworn, deposeth and saith: That his home is in Atchison County, in the State of Kansas, and that he has resided in said State since 1854; that he is now at Washington, D. C., in attendance upon the session of the Senate of the United States, and must of necessity remain at Washington, D. C., during all the present session of Congress, which will extend beyond March 1, 1870, and cannot be present at the February term, 1870, of the district court of Douglas County, Kansas, on account of his public duties as such United States Senator from Kansas, and, further, that he knows the plaintiff and signed the notes mentioned in the petition of the plaintiff in the above-entitled suit; that there was no consideration paid to himself or to Mr. Clarke, either by George A. Reynolds or Milton W. Reynolds, at the time of signing said notes by him and Mr. Clarke; and at the date of the said notes neither himself nor Mr. Sidney Clarke was owing or indebted to either George A. Reynolds or Milton W. Reynolds for any money whatever; that the notes were signed and delivered without consideration being paid to either himself or Mr. Clarke, or to any one for us; that George A. Reynolds, the payer of the notes, acted for the plaintiff, M. W. Reynolds, and was his agent in this transaction; that while the plaintiff well knew under what circumstances the said defendant signed and delivered the said notes to George A. Reynolds for the benefit of the plaintiff at the time said notes were signed and delivered, and was familiar with all the facts concerning the purposes for which said notes were given and delivered, both at the date of the note and even before he received them from his brother, George A. Reynolds, that the plaintiff obtained said notes with full notice of all the facts connected with their delivery to George A. Reynolds. And he further states that at the date of the notes, the said Milton W. Reynolds was connected with the State Journal, so called, a newspaper

published at Lawrence, Kansas, and was editor of said paper, and continued to be editor and publisher of that paper until about February, 1869, when it was merged into what is known as the Lawrence Republican Journal. And the deponent further states that he was at the time, is now, and was for a long time before the date of said notes, a member of the republican party—a life-long advocate of the principles of freedom to all, and of the equality of all men before the law; and that being thus interested in the success of the principles of the republican party, and of the success of the members of that party in Kansas especially, he did, at the instance of the plaintiff, at the date of signing said notes, together with his co-affiant, Sidney Clarke, express a willingness to aid and assist said plaintiff in the publication of the said Journal at Lawrence, Kansas, provided the said plaintiff would continue to publish such paper as a republican paper, and would in such paper support, sustain, and advocate the principles and faith of the republican party, then existing in Kansas and other States of the Union, and would in his paper in future, after the date of said note, support and urge the election of the nominees of the republican State convention of Kansas for the year 1866 and thereafter, and the nominees of the Douglas County republican convention of the same year; that in consideration of the execution and delivery of the said notes to the said plaintiff by the defendants, the said Milton W. Reynolds then agreed, and the said George A. Reynolds, for and in his behalf, agreed that the said State Journal should be published by him as a true republican paper, devoted to the success of the republican party in Kansas, and the advocate of the nominees of the party in Kansas in 1866 and thereafter; and especially promised, in consideration of obtaining said notes so sued on, that he, the plaintiff, would directly and indirectly, through his writings in the said State Journal, published at Lawrence, Kansas, endeavor to procure the election of all the nominees of said State convention in Kansas, at the November election of that year, for and to the offices for which they were so nominated, and would also support and endeavor to procure the election of the republican Senators at the hands of the legislature of Kansas of 1867. And deponent further states that upon said agreement and promises on the part of the plaintiff, said notes were executed and delivered to George A. Reynolds, for Milton W. Reynolds, his brother; and, further, that in 1866, after the date of said notes, and before they became due, the republicans of the State met in convention and nominated a full set of candidates for State officers in Kansas, and among the persons so nominated were S. J. Crawford for governor and the Hon. Sidney Clarke as candidate for Representative to Congress from the State of Kansas, and the said S. J. Crawford and the said Sidney Clarke, with the other persons so nominated at said convention, were the regular nominees of the republican party of the State for that year, to be supported by the republican electors at the fall election; and this deponent further states, that the said plaintiff, soon after the date of said notes, in violation of his covenants, and promises, and agreements, and long before either of said notes became due, refused and neglected to publish his said paper, the State Journal, as an exclusively republican paper, and failed and refused to fulfill his said promises and agreements; and did, before said notes became due, support and sustain democratic principles in his said State Journal; and did refuse and fail to support and advocate, by his writings in said paper, the election of the said S. J. Crawford to be governor of the State of Kansas and the said Sidney Clarke to be Representative in Congress from said State at the fall election in 1866; and did fail to support and advocate the election of other of the regular republican State convention candidates of 1866; and did fail to support and endeavor to elect the county republican candidates from Douglas County for the same year; and did, in violation of said promise and agreements, directly and indirectly sustain and advocate, through the columns of the said State Journal, the election of James L. McDowell for governor of Kansas at the fall election of 1866; and did advocate and support the election of Charles Blair to be Representative in Congress from Kansas at the fall election of 1866; and the said McDowell and the said Blair were then the democratic nominees and candidates for positions against the said S. J. Crawford and the said Sidney Clarke; and during the said political canvass of 1866 the said plaintiff supported the claims and urged the election, through the columns of said Journal, of the said democratic candidates, and also other democratic nominees of the democratic convention of Kansas for 1866, and also several democratic nominees in Douglas County for the same year. And the deponent further states that during the said canvass of 1866 in Kansas, after the date of said notes, and before the same became due, the said State Journal, published and edited at Lawrence, Kansas, by the said plaintiff, was injurious and detrimental to the republican party and cause in Kansas, and used its columns to the injury and detriment of the nominees of the republican party in Kansas for 1866; and the course of said paper was injurious to the said Sidney Clarke, and to all the advocates of republican measures and principles in the State. And deponent further states, that at the time and after the said notes became due, they were never presented to him for payment by said plaintiff, and it was distinctly understood between the parties, that the support of the democratic party by the plaintiff discharged both Sidney Clarke and this deponent from any obligation to

aid the paper of which the plaintiff was the proprietor. And the deponent further states that neither of said notes were ever protested, and that from the time they were given until just before the commencement of this suit, he had no intimation that anything would be claimed from the obligation. And the deponent further states, that in January, 1867, after, or about the time of his re-election to the Senate of the United States, he had a conversation with the plaintiff, who declared that he was in sentiment as much a republican as the deponent himself, and that his support of the democratic or Johnson party and its candidate during the preceding canvass was only because of his desire to sustain his brother, George A. Reynolds, in his office as agent of the Seminole Indians, and that he judged it better, for the time being, on that account to sustain the Johnson party: but that hereafter he intended to support the republican party, at least he should support the Senators from the State—meaning the deponent and Hon. E. G. Ross; but he made no claim for payment of any money; he exhibited no notes, and did not speak of any. Deponent does remember paying the plaintiff the sum of \$250; but that sum was paid at the time of this deponent's visit to Lawrence and Topeka, about the beginning of the year 1867, and had no relation to these notes, and at this time no notes were presented or spoken of; but that sum was paid him upon his representation of his expenses at Topeka and Lawrence, and that of his friends in the canvass for Senators, about the first day of that year, (1867.)

S. C. POMEROY.

Also of Sidney Clarke, of lawful age, who, being first duly examined, cautioned, and solemnly sworn, deposes and says that he resides in the city of Lawrence, and State of Kansas, and is acquainted with all the parties to this suit; that he is at present a member of Congress from the State of Kansas, and in attendance upon the second session of the Forty-first Congress, which will continue beyond the 4th of March next, which renders it impossible for him to be present at the February term of the district court of Douglas County; and he further states, that in the case of the above-mentioned suit he signed the two notes of one thousand dollars each with Senator Pomeroy; that he frequently conferred with George A. Reynolds and Milton W. Reynolds in reference to the position of the State Journal toward the republican party; that George A. Reynolds informed him, and he also understood from Milton W. Reynolds, that he was one of the chief owners of the State Journal; that the said George A. Reynolds informed deponent that he exercised a controlling influence over the columns of the paper, and had furnished the greater part of the capital for the purchase; that both of these men complained that they found it very hard to sustain their paper from the subscriptions and advertisements, and claimed that they ought to receive some support from the republican party; that, after consultation with Senator Pomeroy, an arrangement was finally made, and agreed to by George A. Reynolds and Milton W. Reynolds, that they would support in the columns of the State Journal the republican party, its principles, and candidates, at the fall elections of 1866; that it was in consequence of this agreement, and for no other reason, that the notes were given; and the deponent does not remember whether they were given at his own room or at Senator Pomeroy's house; that he heard no more about this matter until after the meeting of the republican State convention for that year, held at Topeka, Kansas, about the 1st of September; that at that convention S. J. Crawford was nominated for governor and the deponent for Congress, with a full republican State ticket; that on my return to Lawrence, I think on the following evening, George A. Reynolds and Milton W. Reynolds called at my residence on Tennessee street at a late hour in the evening, and desired to have a conversation with me in reference to the course of the State Journal; that they stated to me that, in consideration of the fact that George A. Reynolds held the office of Seminole Indian agent, it would be more for their interest to sustain Mr. Johnson's administration, and secure the patronage and emoluments to the Indian agency, and perhaps other emoluments, than to support the republican ticket; that they stated that it became necessary to decide this question before the issue of the next daily edition of the State Journal on the following morning, and they thought it would not be honorable to break the engagement with myself and Senator Pomeroy without notifying me of the fact and consulting me in reference thereto. They stated to me that, inasmuch as there could be no doubt about the election of the republican ticket, they supposed that myself and Senator Pomeroy would be willing to discontinue the arrangement heretofore made. I stated to them that while, of course, there was no doubt about the election of the republican ticket by a large majority, I would much prefer that the State Journal would continue the support of the republican party and ticket; that I believed the administration of Mr. Johnson meant mischief to the country, and that while they might find it for their temporary pecuniary benefit to sustain the administration, in the long run they would not find it so, and that they would be liable to the charge of being inconsistent, vacillating, and mercenary.

Both of the Messrs. Reynolds argued that they could not afford to relinquish the patronage of the Seminole Indian agency, and that inasmuch as there was already one republican paper in Lawrence—the Lawrence Tribune—and but few democratic papers

in the State, it was a better field for the Journal to support the democratic ticket, and it was intimated to me that there were parties who would make it for their pecuniary interest to do so, to the extent at least of the amount of the notes which had been given by myself and Senator Pomeroy; and the conclusion of the whole matter was, that they informed me before they left that, taking all the circumstances into consideration, they thought it best for them to support the democratic ticket. I remarked in substance to them that, of course, their doing so would relieve Senator Pomeroy and myself from all the obligations we were under; and to this intimation both George A. Reynolds and Milton W. Reynolds gave their assent.

On the nomination of the democratic ticket, the State Journal placed the said ticket at the head of its columns, and advocated its election, as the files of the paper will show. I did not remember anything more about this matter until I received a notice from Messrs. Riggs, Nevison & Foote, attorneys of Milton W. Reynolds, calling upon me to pay the notes, and informing me that unless I should do so at an early day a suit would be brought against me.

A short time after receiving this notice, I met G. A. Reynolds near the store of William E. Sutliff & Co., on Massachusetts street, in the city of Lawrence, when I said to him, "George, I received notice the other day that you were going to sue those notes," and I said that if they did so, I would be obliged to defend the suit; I proceeded to remind him of the conversation which took place at my house after the republican convention—which I have related—between myself and himself, and his brother, Milton W. Reynolds. He said in reply, that he remembered the conversation very distinctly, and that I was right about it; that it must be a mistake on the part of "Milt.," and that he would see that it was corrected so far as I was concerned. He said to me also, that the only object was to make Senator Pomeroy pony up; but that so far as I was concerned he would see it that I had no further trouble about the matter.

The notes were never presented to me, and never protested, and no claims were ever made upon me for their payment until I received the notice from Messrs. Riggs, Nevison & Foote, informing me that I would be sued unless I made the payment. As I was absent from Lawrence for most of the time, and as this matter had passed out of my mind until I got the notice from the attorneys of Reynolds that a suit was to be brought against me, I do not remember that I ever made any request for the surrender of these notes. I considered the matter entirely settled when the paper openly abandoned the republican party.

SIDNEY CLARKE.

DISTRICT OF COLUMBIA, *Washington County, ss:*

I, Nicholas Callan, a notary public in and for the county and District aforesaid do hereby certify that Samuel C. Pomeroy and Sidney Clarke were by me severally sworn to testify the truth, the whole truth, and nothing but the truth, and that the depositions by them, respectively subscribed as above set forth, were reduced to writing by M. P. Callan, my clerk, who is not interested in the suit, in my presence and in the presence of the witnesses, respectively; and were respectively subscribed by said witnesses in my presence, and were taken at the time and place specified in the annexed notice; and that I am not counsel, attorney, or relative of either party, or otherwise interested in this suit.

[SEAL.]

N. CALLAN,
Notary Public.

STATE OF KANSAS, *Douglas County, ss:*

Milton W. Reynolds, plaintiff, vs. Samuel C. Pomeroy and Sidney Clarke, defendants.

Depositions of sundry witnesses, taken before me, George S. Hampton, a notary public in and for Douglas County, State of Kansas, on the 7th day of January, A. D. 1870, between the hours of 8 o'clock a. m. and 6 o'clock p. m., at the law-office of Aiken & Barker, in the city of Lawrence, in said county, pursuant to the annexed notice, to be read in evidence on behalf of the defendants.

By consent of the attorneys for the parties, the taking of said depositions is adjourned until to-morrow morning at 9 o'clock a. m., to be continued at the above-mentioned place.

Pursuant to the above adjournment, the plaintiff appeared by W. W. Nevison, his attorney, and the defendants by Horton, Aiken & Barker, their attorneys, and the taking of said depositions was continued as follows:

George A. Reynolds, of lawful age, being by me first duly examined, cautioned, and solemnly sworn, deposeth and saith:

I reside in the city of Lawrence, State of Kansas, and know the parties to this suit.

In the month of March, 1866, my home was in Bourbon County, State of Kansas. I am the elder brother of Milton W. Reynolds, the plaintiff to this suit. I am the payee of the notes set up in plaintiff's petition to this suit. These notes were delivered to

me in the city of Washington. I think they were delivered to me the day they are dated.

My recollection is that they were delivered to me in Mr. Clarke's room in the Metropolitan Hotel, or at the house of Senator Pomeroy, on H street, in the city of Washington. Upon reflection, I think they were delivered at the Senator's house. Mr. Clarke, Mr. Pomeroy, and myself were present when the notes were executed and delivered. They were executed and delivered immediately.

Mr. Pomeroy wrote the notes and they both signed them. In March, 1866, Milton W. Reynolds was the editor of the State Journal, a newspaper published at Lawrence, Kansas, and had been for about one year previous. He continued to be the editor and publisher of that paper until about February, 1869, when it was merged in the Lawrence Republican.

Those notes were executed and delivered to me for the purpose, as stated to me by Mr. Pomeroy, to aid the Lawrence Journal.

There was other considerations for said notes. The considerations that M. W. Reynolds was to give for the notes was, that he should support Clarke and Pomeroy for re-election; one for the House of Representatives and the other for the Senate. At this time S. C. Pomeroy was United States Senator for Kansas. He was a candidate for re-election to that position, and the election was to take place in the legislature in the succeeding winter.

At this time Sidney Clarke was Representative in Congress from Kansas, and was a candidate for re-election at the fall election in 1866.

There was no other consideration that I know of for the execution and delivery of these notes. There was, perhaps, one or two interviews in reference to this matter before the notes were given. M. W. Reynolds was not in Washington at the time the notes were given. I had no interest in the Journal further than this: I furnished M. W. Reynolds money to buy an interest in the paper when he started it, and induced him to come out here. He was engaged as an editor in Michigan on a salary.

The interest spoken of was purchased in the name of the plaintiff, and not in my name. I had no control over the Journal at the time the notes were given, any more than one brother would have over another. I received these notes for M. W. Reynolds. After I received the notes I forwarded them immediately by mail to my brother at Lawrence. I believed that I indorsed the notes to M. W. Reynolds before I forwarded them to him.

There was no consideration paid to me by M. W. W. Reynolds for the notes. They were taken by me for him, and they simply passed through my hands. I acted as his agent in receiving the notes.

I do not know of my own knowledge in reference to the payment of \$250 on the notes. The plaintiff informed me that \$250 had been paid on the notes. I had a conversation with Mr. Clarke in the fall of 1866, just previous to the election, in which I told him that I thought he ought to be released from any obligation on the two notes.

Q. State what was said by you in that conversation in reference to the plaintiff fulfilling the agreement in reference to Mr. Clarke.—A. As near as I can remember the conversation now, I stated to Mr. Clarke that I thought he ought not to be held to pay his portion of the notes, for the reason that the paper was about to assume such a position that it could not be of any help to him. The paper did assume such a position that I thought it could not help him. At this time M. W. Reynolds was the sole editor of the Journal. I have, since that conversation, stated the same thing, in substance, to Mr. Clarke. The first convention was in the fall, just before the election, and after the first note became due. I am not positive that it was before the first note became due. I know James L. McDowell. He was a candidate for governor of Kansas in the fall of 1866. The ticket upon which he ran was called either the conservative or democratic ticket; I do not remember which. It was in opposition to the republican ticket. I think the State Journal supported that fall James L. McDowell for governor and Charles W. Blair, of Fort Scott, for Congress. Blair ran on the conservative ticket, and against Mr. Clarke. The plaintiff supported and advocated the election of these candidates through the State Journal.

Cross-examined:

It was the understanding that M. W. Reynolds, in consideration of these notes, should support Clarke and Pomeroy for re-election. This is the understanding I had with Clarke and Pomeroy, after quite a lengthy conversation had with Mr. Clarke upon the subject of the proposed change of the position of Journal above referred to. Mr. Clarke said, "If the paper assumes the position talked of, I presume you will not hold me on the note for any portion of it?" I replied, "Certainly not." He then turned to my brother, and said, "All right; go ahead, Milt." The plaintiff supported McDowell for governor and Blair for Congress in the fall of 1866. These were the candidates. He supported the opposition ticket. M. W. Reynolds was the owner of the notes sued upon on the 31st of July, 1869. I believe I had no interest in them, nor never had.

Redirect :

In the first conversation spoken of with Mr. Clarke, M. W. Reynolds, the plaintiff, was present. M. W. Reynolds was the owner of the notes at the date they were given. I expect to leave Lawrence about the 15th of January, 1870, and expect to be absent about three months. I am going to New York and Washington.

The candidates, G. L. McDowell and C. W. Blair, I presume, were not all the candidates the plaintiff supported on the opposition ticket in the fall of 1866.

Q. State whether or not the plaintiff, in the conversation between you and Mr. Clarke, at which time the plaintiff was present, consented that, if the paper assumed a different attitude, Mr. Clarke should be released from his portion of the notes.

(Objected to by plaintiff.)

A. I do not think he did, in words. But my understanding was that his views and mine were in accord upon the subject.

GEO. A. REYNOLDS.

I, George S. Hampton, a notary public in and for Douglas County, State of Kansas, do hereby certify that George A. Reynolds was by me first duly sworn to testify the truth, the whole truth, and nothing but the truth, and the deposition by him, subscribed, as above set forth, was reduced to writing by myself in the presence of the witness, and was subscribed by the said witness in my presence, and was taken at the time and placed in the annexed notice specified; that I am not counsel, attorney, or relative of either party, or otherwise interested in the event of this suit; and commenced at the time in the notice specified and continued by adjournment from day to day, as above stated.

In witness whereof I have hereunto set my hand and seal notarial this 8th day of January, A. D. 1870.

[SEAL.]

GEO. S. HAMPTON,
Notary Public.

WASHINGTON, D. C., *Tuesday, May 28, 1872.*

Hon. S. C. POMEROY sworn and examined.

By Mr. LOGAN :

Question. Are you the S. C. Pomeroy who was a candidate for Senator in 1867 in the Kansas legislature?—Answer. Yes, sir.

Q. A Mr. Sharp was suggested by a witness, Mr. Ross, as having probably received money for voting for you. State what you know in reference to that.—A. I know Mr. Sharp, or did know him at that time. I have not seen him since. But I never had any conversation with him on that subject. I never paid him a cent. I never authorized anybody else to. I never conversed with anybody about paying him anything that I remember of; in fact, I know that he never got anything, directly or indirectly, from me.

Q. It has been intimated that General Lee, who was a candidate against you, was got out of the way: that his friends accused him of being bought off?—A. As to General Lee, I only know that he was a candidate until the end of the voting. He was my only competitor at the time in the joint convention, as the records show. He received all the votes that I did not get. I received the balance. There was no understanding between us. He never got any money, to my knowledge, from any source whatever, and I do not believe the man used any money, either, in the election. So far as I am concerned, I think Lee was an honorable, straightforward competitor, and fought it out as well as he could.

Q. What do you know about this other man, Maxson?—A. I have the same statement to make about him. He was elected, as my friend, to vote for me, and did vote for me. So far as I know, he never got a cent for it. He was appointed to a land-office this last year, but never held any Federal office prior to last year, when he was nominated and confirmed as register of the land-office now at Independence, Kansas. No consideration of office or money ever passed between Mr. Maxson and myself, nor between Mr. Maxson and any friend of mine, to my knowledge.

WASHINGTON, D. C., *Wednesday, May 29, 1872.*

JOHN A. MARTIN (called by Mr. Pomeroy) sworn and examined.

By Mr. POMEROY :

Question. State your residence and occupation.—Answer. Atchison, Kansas; occupation, editor.

Q. I desire to ask you if you were familiar with the canvass of 1867 in Kansas?—A. Yes, sir; I lived there, and was somewhat familiar with it.

Q. Were you at Topeka while the canvass was going on there?—A. Yes, sir.

Q. State whether you knew and was acquainted with the members of the legislature generally?—A. Yes, sir; generally, I was.

Q. State what you know in regard to the candidates, and what were their admitted chances of election; state any facts about those things that are within your knowledge.—A. The candidates were Mr. Pomeroy, General Lee, Mr. Carney, Mr. Ross, Mr. Thatcher, Mr. Kalloch, and I do not know but a few others, all of them except Mr. Pomeroy, Mr. Carney, and General Lee being candidates at first for the short term—not being candidates for the long term. It was the general opinion of the politicians there, and of all observers who were familiar with our politics, that Mr. Pomeroy had the most strength from the organization of the legislature. My own judgment was that there was not any doubt of his election from the first, and finally that opinion seemed to be so shared in by other candidates, who were at first his opponents, that I believe Mr. Carney changed his candidacy and became a candidate for the short term instead of the long term. General Lee continued in the field, but it was simply in hope, I believe, of either making some show for the short term, or simply to receive a complimentary vote. I do not believe he finally had any hope of success.

Q. Where did you stop at that time?—A. I stopped at the Capitol House.

Q. Were you in my room frequently?—A. Yes, sir; every day, I guess.

Q. Do you recollect meeting Ed. Russell there?—A. I do not think I ever saw him there more than once or twice.

Q. Do you recollect whether Perry Fuller occupied a room with me or adjoining me, or anywhere near me?—A. He occupied a room in that building, but not near you, nor adjoining you, that I remember. I think he was stopping at that house—the Capitol House. Mr. Pomeroy had rooms there around in a wing of the house that extended out by itself. I do not think that Perry Fuller was anywhere near him.

Q. Do you know at what time he reached Topeka?—A. It was only a day or so before the election. He was not there when the legislature met, nor for several days afterward.

Q. Do you know Joshua Wheeler?—A. Yes, sir.

[The testimony of Joshua Wheeler in relation to sending for this witness, for which see page 20, was here read to the witness by the reporter.]

Q. Do you recollect writing to Joshua Wheeler requesting his attendance?—A. I do not remember. I may have done so; but I do not remember having sent for him at all.

Q. In whose interest did you conclude Wheeler to be, provided he was there?—A. I supposed he would be in Carney's interest for the short term. But as he was a resident of our county, and that county was unanimously for Mr. Pomeroy, or practically unanimous for Mr. Pomeroy, we supposed he would be in Mr. Pomeroy's interest for the long term, as his interests were identified with ours, and the public sentiment was all one way.

Mr. POMEROY. I will ask to have the testimony of Colonel D. R. Anthony read over to this witness, so far as he mentions him.

[The testimony of D. R. Anthony on page 13 was here read by the reporter to the witness.]

Q. You have heard the testimony of Colonel Anthony. What do you know about that; what have you to say about it?—A. All there is about it, is this: In our room we kept no liquors, except what we ordered from the bar. When there was anybody there who was in the habit of drinking occasionally, we rang the bell and ordered from the bar. We kept no liquors there—no place of entertainment. We occasionally, as people came in, ordered liquors from the bar.

Q. My point is, whether I had any connection with it?—A. Not that I know of. I never consulted you about the matter nor said a word to you in my life in reference to it.

Q. Is there anything else you desire to state?—A. There is nothing that I know of; we simply occasionally, ordered liquors to our room from the bar.

Q. It was a matter of your own entirely?—A. Yes, sir. Mr. Pomeroy never spoke to me in my life about it. I never asked him about it.

Q. Did you ever hear that spoken of as "Pomeroy's whisky;" whether it was in fact?—A. No, sir.

By Mr. LOGAN:

Q. Do you know any fact connected with that election tending to show the use of improper means in procuring votes for Mr. Pomeroy?—A. No, sir.

Q. Either by Mr. Pomeroy or by any one for him?—A. No, sir.

Q. Whom were you supporting for the long term?—A. I was supporting Mr. Pomeroy.

Q. Did you support Mr. Pomeroy from the beginning of the contest?—A. Yes, sir; and for a long time before it commenced.

Q. Were you a member of the legislature?—A. No, sir; not at that time.

Q. Do you know where Mr. Sharp, formerly of Wyandotte, then a member of the Kansas senate, is now?—A. I do not. The last I heard of him he was in Wyandotte.

By Mr. POMEROY :

Q. How long ago was that?—A. I guess a year ago, fully.

Q. You do not know whether he is in Kansas now or not?—A. No, sir. I do not think I have heard him spoken of within a year.

WASHINGTON, D. C., *Wednesday, May 29, 1872.*

JACOB STOTLER (called by Mr. Pomeroy) sworn and examined.

By Mr. POMEROY :

Question. State your residence and occupation?—Answer. Emporia, Kansas; I am the editor of a newspaper, the Emporia News.

Q. How many years have you been editing a paper in Kansas.—A. About twelve years.

Q. Have you been familiar with the politics of the State during that time?—A. Yes, sir. I have been a member of the legislature, representing Emporia district of Lyon County, for six years.

Q. What offices have you held in the legislature?—A. I was speaker of the house two sessions.

Q. Of which branch were you a member last winter?—A. I was a member of the senate last term.

Q. Do you know anything about a resolution that was introduced for the investigation of the election of Senators from Kansas?—A. I do.

Q. Tell how it was introduced, and who were included in it?—A. The resolution was first introduced in the house of representatives to investigate the senatorial election of 1871, at which time Senator Caldwell was elected. It passed the house in that shape, and came to the senate, and was amended there in some particular. I do not remember now what it was, and when it went back to the house, it was amended by inserting also power to investigate the election of 1867, at which time you were elected. As near as I can remember, that is the history of the resolution.

Q. Have you seen the book published as the result of that investigation?—A. Yes, sir.

Q. Were you examined as a witness?—A. No, sir.

Q. Do you know anything on the subject of whether that book correctly represents the testimony that was taken?—A. I do not; because I was not before the committee, and knew nothing of their proceedings, except what I heard on the street. I have not read all the testimony. I have merely read portions of it.

Q. Were you a member of the legislature of 1867?—A. No, sir.

Q. From your knowledge of the politics of the State, do you know whether I was a candidate before the meeting of the legislature?—A. I do not.

Q. Do you know whether I was a candidate before the people in the canvass?—A. I do not. Let me think a minute. Is not that the year you canvassed through that county?

Mr. POMEROY. Yes.

The WITNESS. It was generally understood that Mr. Pomeroy was a candidate. I had no special knowledge. I at first did not remember it.

Q. Were you at Topeka at the time the canvass was in progress before the election took place?—A. I was. I do not remember just how many days before, but during the senatorial canvass.

By Mr. LOGAN :

Q. Were you familiar with the manner in which that senatorial election in the Kansas legislature in 1867 was conducted, so far as it could be observed and was generally known?—A. Yes, sir; I was there and around the rooms of the candidates, and saw, so far as an outsider could see, and everything was all right. I didn't see anything wrong or hear of anything wrong.

Q. Did you see or do you know of any improper means being used in that canvass by Mr. Pomeroy or by his friends, with his knowledge, in securing votes in the legislature?—A. I do not; I know of nothing improper at all.

Q. Were you a friend of Mr. Pomeroy in that election?—A. I was not. I was there as a friend of Mr. Carney, for a few days, who was a candidate at that time.

Q. Were there stories current at that time, in reference to Mr. Pomeroy, of improper means being used?—A. I did not hear anything of the kind at that time that I remember of. I heard that after the election was over.